NATIONAL ARCHIVES MICROFILM PUBLICATIONS

MICROCOPY

215

ROLL

38

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microcopy No. 215

MINUTES OF THE SUPREME COURT OF THE UNITED STATES

Roll 38

July 29, 1942 - June 12, 1944

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

Washington: 1954

NOTES ON ROLL 38

The two volumes reproduced on this roll have the following backstrip titles: (1) "Minutes / July Special Term / October / Term / 1942 / Supreme Court / of the / United States" and (2) "Minutes / October / Term / 1943 / Supreme Court / of the / United States." They contain the minutes of the Supreme Court of the United States from July 29, 1942, to June 12, 1944.

The first volume contains the minutes of the Court from July 29, 1942, to June 21, 1943, and the second, from October 4, 1943, to June 12, 1944.

VOLUME

1942

339U.S.
Ind
USSC

MINUTES OF THE SUPREME COURT OF THE UNITED STATES, JULY SPECIAL TERM, 1942.

At the Supreme Court Building, in the City of Washington, and District of Columbia, being the present Seat of the National Government of the United States, on the fifth Wednesday in July (being the 29th day of the same month) in the year of our Lord one thousand, nine hundred and forty-two and of the independence of the United States the one hundred and sixty-seventh, The Supreme Court of the United States met agreeably to law.

The Court met in Special Term pursuant to a call by the Chief Justice having the approval of all the Associate Justices.

PRESENT:

The honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
James F. Byrnes,
Robert H. Jackson
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Kenneth C. Royall, It is ordered that Cassius M. Dowell, Esquire, of Washington, D. C., be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

The Chief Justice announced that the Court has convened in Special Term in order that certain applications might be presented to it and argument be heard in respect thereto.

The Chief Justice also announced that Mr. Justice Douglas, who is on his way to Washington from the west, had not yet been able to arrive,

but that he will be vouched in and will participate in the decision of the Court in the matter to be presented to it today.

In response to the inquiry of the Chief Justice, the Attorney General stated to the Court that the Chief Justice's son, Major Lauson H. Stone, an officer in the United States Army, assisted defense counsel, under orders, in the presentation before the Military Commission of the case, in relation to which the Special Term of the Court had been called, but that he in no way had connection with the proceeding before this Court and, therefore, counsel for all parties join in urging the Chief Justice to participate in the consideration and decision of the case. Colonel Kenneth C. Royall, of counsel for the petitioners, concurred in the statement and request of the Attorney General.

Ex parte Richard Quirin,
—, Original. Petitioner.

Ex parte Herbert Hans Haupt,
—, Original. Petitioner.

Ex parte Edward John Kerling,
—, Original. Petitioner.

Ex parte Ernest Peter Burger,
—, Original. Petitioner.

Ex parte Heinrich Harm Heinck,
—, Original. Petitioner.

Ex parte Werner Thiel,
—, Original. Petitioner, and

Ex parte Herman Otto Neubauer,
—, Original. Petitioner.

The motion for leave to enlarge the record in accordance with the stipulation of counsel is granted.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

The motion for an order directing the Clerk of this Court to impound certain portions of the record and to hold the same for the exclusive use of the Justices of this Court is granted. Mr. Justice Murphy took no part in the consideration or decision of this motion.

The motions for leave to file petitions for writs of habeas corpus were submitted and argument in support of the motions was commenced by Colonel Kenneth C. Royall for the petitioners, continued by Mr. Attorney General Biddle for the respondent in opposition thereto, by Colonel Kenneth C. Royall for the petitioners in support thereof and by Mr. Attorney General Biddle for the respondent in opposition thereto.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
James F. Byrnes,
Robert H. Jackson

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

Ex parte Richard Quirin,
—, Original. Petitioner.

Ex parte Herbert Hans Haupt,
—, Original. Petitioner.

Ex parte Edward John Kerling,
—, Original. Petitioner.

Ex parte Ernest Peter Burger,
—, Original. Petitioner.

Ex parte Heinrich Harm Heinck,
—, Original. Petitioner.

Ex parte Werner Thiel,
—, Original. Petitioner, and

Ex parte Herman Otto Neubauer,
—, Original. Petitioner.

The argument on the motions for leave to file petitions for writs of habeas corpus was continued by Mr. Attorney General Biddle for the respondent in opposition to the motions and concluded by Colonel Kenneth C. Royall for the petitioners in support thereof.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, JULY 31, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Just
William O. Douglas,
James F. Byrnes,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

The Chief Justice announced the following orders of the Court:

Ex parte Richard Quirin,
—, Original. Petitioner.

Ex parte Herbert Hans Haupt,
—, Original. Petitioner.

Ex parte Edward John Kerling,
—, Original. Petitioner.

Ex parte Ernest Peter Burger,
—, Original. Petitioner.

Ex parte Heinrich Harm Heinck,
—, Original. Petitioner.

Ex parte Werner Thiel,
—, Original. Petitioner, and

Ex parte Herman Otto Neubauer,
—, Original. Petitioner.

On motions for leave to file petitions for writs of habeas co

The United States of America, ex rel. Richard Quirin,

Petitioner,

1 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

The United States of America, ex rel. Herbert Hans Haupt,

Petitioner,

2 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

The United States of America, ex rel. Edward John Kerling,

Petitioner,

3 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

The United States of America, ex rel. Ernest Peter Burger,

Petitioner,

4 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

The United States of America, ex rel. Heinrich Harm Heinck,

Petitioner,

5 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

The United States of America, ex rel. Werner Thiel,

Petitioner,

6 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

On writs of certiorari to the United States Court of Appeals for the District of Columbia.

The United States of America, ex rel.
Herman Otto Neubauer,

Petitioner,

7 vs.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

Per curiam: In these causes motions for leave to file petitions for habeas corpus were presented to the United States District Court for the District of Columbia, which entered orders denying the motions. Motions for leave to file petitions for habeas corpus were then presented to this Court, and the merits of the applications were fully argued at the Special Term of Court convened on July 29, 1942. Counsel for petitioners subsequently filed a notice of appeal from the order of the District Court to the United States Court of Appeals for the District of Columbia, and they have perfected their appeals to that court. They have presented to this Court petitions for writs of certiorari before judgment of the United States Court of Appeals for the District of Columbia, pursuant to 28 U.S.C. §347(a). The petitions are granted. In accordance with the stipulation between counsel for petitioners and for the respondent, the papers filed and argument had in connection with the applications for leave to file petitions for habeas corpus are made applicable to the certiorari proceedings.

The Court has fully considered the questions raised in these cases and thoroughly argued at the bar, and has reached its conclusion upon them. It now announces its decision and enters its judgment in each case, in advance of the preparation of a full opinion which necessarily will require a considerable period of time for its preparation and which, when prepared, will be filed with the Clerk.

The Court holds:

(1) That the charges preferred against petitioners on which they are being tried by military commission appointed by the order of the President of July 2, 1942, allege an offense or offenses which the President is authorized to order tried before a military commission.

(2) That the military commission was lawfully constituted.

(3) That petitioners are held in lawful custody, for trial before the military commission, and have not shown cause for being discharged by writ of habeas corpus.

The motions for leave to file petitions for writs of habeas corpus are denied.

The orders of the District Court are affirmed. The mandates are directed to issue forthwith.

Mr. Justice Murphy took no part in the consideration or decision of these cases.

The United States of America, ex rel.
Richard Quirin,

Petitioner,

1 vs. Order allowing certiorari.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The United States of America, ex rel.
Herbert Hans Haupt,

Petitioner,

2 vs. Order allowing certiorari.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The United States of America, ex rel.
Edward John Kerling,

Petitioner,

3 vs. Order allowing certiorari.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The United States of America, ex rel.
Ernest Peter Burger,

Petitioner,

4 vs. Order allowing certiorari.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The United States of America, ex rel.
Heinrich Harm Heinck,

Petitioner,

5 vs. Order allowing certiorari.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The United States of America, ex rel.
Werner Thiel,

Petitioner,

6 vs. Order allowing certiorari.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The United States of America, ex rel.
Herman Otto Neubauer,

Petitioner,

7 vs. Order allowing certiorari.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Ex parte Richard Quirin,

—, Original. Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

Ex parte Herbert Hans Haupt,

—, Original. Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

Ex parte Edward John Kerling,

—, Original. Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

Ex parte Ernest Peter Burger,

—, Original. Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

Ex parte Heinrich Harm Heinck,

—, Original. Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

Ex parte Werner Thiel,

—, Original. Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

Ex parte Herman Otto Neubauer,

—, Original. Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

The United States of America, ex rel. Richard Quirin,

Petitioner,

1 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, which cause was brought into this Court before hearing and decision in the said Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the District Court of the United States for the District of Columbia, in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America, ex rel. Herbert Hans Haupt,

Petitioner,

2 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, which cause was brought into this Court before hearing and decision in the said Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the District Court of the United States for the District of Columbia, in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America, ex rel. Edward John Kerling,

Petitioner,

3 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, which cause was brought into this Court before hearing and decision in the said Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the District Court of the United States for the District of Columbia, in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America, ex rel. Ernest Peter Burger,

Petitioner,

4 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, which cause was brought into this Court before hearing and decision in the said Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the District Court of the United States for the District of Columbia, in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America, ex rel. Heinrich Harm Heinck,

Petitioner,

5 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, which cause was brought into this Court before hearing and decision in the said Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the District Court of the United States for the District of Columbia, in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America, ex rel. Werner Thiel,

Petitioner,

6 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, which cause was brought into this Court before hearing and decision in the said Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the District Court of the United States for the District of Columbia, in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America, ex rel. Herman Otto Neubauer,

Petitioner,

7 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, which cause was brought into this Court before hearing and decision in the said Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the District Court of the United States for the District of Columbia, in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America, ex rel. Richard Quirin,

Petitioner,

1 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

The United States of America, ex rel. Herbert Hans Haupt,

Petitioner,

2 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

The United States of America, ex rel. Edward John Kerling,

Petitioner,

3 vs.

Brig. Gen. Albert L. Cox, U. S. A., Provost Marshal of the Military District of Washington.

The United States of America, ex rel.
Ernest Peter Burger,

Petitioner,

4 vs.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

The United States of America, ex rel.
Heinrich Harm Heinck,

Petitioner,

5 vs.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

The United States of America, ex rel.
Werner Thiel,

Petitioner,

6 vs.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

The United States of America, ex rel.
Herman Otto Neubauer,

Petitioner,

7 vs.

Brig. Gen. Albert L. Cox, U. S. A.,
Provost Marshal of the Military District of Washington.

The order of July 29, 1942, directing the Clerk to impound the record of the proceedings before the Military Commission in the above-entitled cases is hereby modified and the Clerk is directed to return said record to counsel.

John A. Kramer,

Appellant,

1202, October Term, 1941. vs.

Richard Sheehy, as Warden of the
State Prison of the State of Nevada.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court

that the said petition be, and the same is hereby, denied, and the order staying the mandate heretofore entered is vacated.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Proclamation being made the Court is adjourned to the time and place appointed by law.

At the Supreme Court Building, in the City of Washington, and District of Columbia, being the present Seat of the National Government of the United States, on the first Monday in October (being the 5th day of the same month) in the year of our Lord one thousand, nine hundred and forty-two and of the independence of the United States the one hundred and sixty-seventh, The Supreme Court of the United States met agreeably to law.

PRESENT:

The honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Edgar Legare Pennington, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ed Gossett, It is ordered that M. M. Wade, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that William T. Welch, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Russell Shetterly, It is ordered that John William Metzger, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that Robert Owen Curran, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Barry Brannen, It is ordered that Allen G. Davenport, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Randolph Neal, It is ordered that J. Leonard Raulston, Esquire, of South Pittsburg, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Prentiss M. Brown, It is ordered that David A. Hersh, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Colquitt, It is ordered that James J. Ragan, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Prentiss M. Brown, It is ordered that Edward J. Jeffries, Jr., Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Carrie Abell Hodgson, It is ordered that Floretta Vogel, of Mount Clemens, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that James W. Harvey, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alva D. Adams, It is ordered that Lloyd W. Patch, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Gerald Toye, It is ordered that David M. Davis, Esquire, of Oak Park, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul D. Page, It is ordered that Edward B. Hayes, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Royal Thomas McKenna, It is ordered that Craig R. Johnson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

The Chief Justice said:

"In deep sorrow I announce the death on July 18th last of George Sutherland, a retired Justice of this Court.

"A citizen and member of the Bar of the State of Utah, he was United States Senator from that State from 1905 to 1917. He was in active service as a member of this Court from his appointment in 1922 to his retirement on January 18, 1938. As a Justice he brought to the service of his country a well grounded knowledge of the law, a thorough understanding of the art of government, derived from a wide and varied experience in public affairs, and an unswerving devotion to constitutional government as the safeguard of cherished institutions and traditions of the Republic.

"His death has brought to a close a career of eminent public service, and has severed the ties of friendship which his unfailing kindliness and winning personality inspired in his colleagues and all those who knew him."

- - - - - - - - - - -

The Chief Justice said:

"I announce with regret, in which my colleagues share, the resignation by Mr. Justice Byrnes of his office as an Associate Justice of this Court.

"We are reconciled to his leaving us only by the realization that he is moved by a sense of duty to render a needed service of public importance in a time of great national emergency.

"We wish for him all success in his new and arduous undertaking and that he may find in it that durable satisfaction which is the true reward for a great task greatly performed."

- - - - - - - - - - -

Mr. George Maurice Morris addressed the Court as follows:

"On behalf of the bar of the United States, I have been requested by certain members of the bar of this Court to present for the artistic archives of the Court a bronze bust of the late Louis D. Brandeis. The bust is the work of Miss Eleanor Platt, a sculptor of New York City. The bust has been set up in the library of this building. It would be inappropriate at this time to say anything respecting the career and virtues of the Justice so well known to your Honors and who sat with several of you. It is my understanding that adequate eulogy respecting Mr. Justice Brandeis will be presented at the memorial services which the Court has in mind."

- - - - - - - - - - -

The Chief Justice replied as follows:

"Mr. Morris, it is altogether fitting that on this, the first anniversary of the death of Justice Brandeis, there should be placed in this building a permanent memorial of his life and public service.

"In accepting it we are happy in the recognition that the bust which you present is something more than a mere record of his countenance.

For it is a work of art in which the hand of the artist has revealed the spiritual beauty and intellectual distinction which were characteristic of the man.

"It will be placed in the Supreme Court Library. There it will stand for generations to come, a daily reminder to his surviving colleagues and to his successors on this Bench, to the members of the Bar, and to students of the law, of all those qualities of mind and heart which made Justice Brandeis a great law giver and an inspiring leader in the thought of men."

- - - - - - - - - -

O R D E R.

IT IS ORDERED by the Court that the accompanying correspondence between members of the Court and Mr. Justice Byrnes be this day spread upon the Minutes and that it also be printed in the reports of the Court.

- - - - - - - - - -

October 4, 1942.

Dear Justice Byrnes:

We learn of your resignation with a deep sense of the loss which it brings to the Court and to all of us personally.

In the all too brief period of our association since your appointment to the Court we have come to value highly your contribution to its deliberations, drawn from the wide knowledge of affairs which you have gained in the course of a long and eminent public service. We cherish the happy personal relationship which that association has established. All of us part with you reluctantly and with regret. We are reconciled to your going only by the realization that you are moved by a sense of duty to render a needed service of public importance in a time of great national emergency.

We wish you all success in this new and arduous undertaking,

and that you may find in it that durable satisfaction which is the true reward for a great task greatly performed.

Faithfully yours,

Harlan F. Stone.
Owen J. Roberts.
Hugo L. Black.
Stanley Reed.
Felix Frankfurter.
William O. Douglas.
Frank Murphy.
Robert H. Jackson.

SUPREME COURT OF THE UNITED STATES
Washington, D. C.

Chambers of
Justice James F. Byrnes

October 5, 1942.

My dear Brethren:

I shall always treasure your generous words of esteem and affection.

You are correct. Only a sense of duty impelled me to resign from the Court. My association with you has been enjoyable and inspiring and I leave with great respect and genuine affection for each of you. The cordial expressions of your letter make me happy; they encourage me to hope that I may still continue to enjoy your companionship.

Sincerely yours,

James F. Byrnes.

The Chief Justice,
Mr. Justice Roberts,
Mr. Justice Black,
Mr. Justice Reed,
Mr. Justice Frankfurter,
Mr. Justice Douglas,
Mr. Justice Murphy,
Mr. Justice Jackson.

B. B. Guy, Jr.,

Petitioner,

58 vs.

Missouri Pacific Railroad Company and Guy A. Thompson, Trustee of Missouri Pacific Railroad Company, Debtor.

On writ of certiorari to the Supreme Court of the State of Arkansas.

IT APPEARING to the Court that counsel for the petitioner have filed a motion to dismiss the writ of certiorari in this case at the cost of the petitioner;

THEREFORE, in pursuance of said motion, it is ordered by this Court that the writ of certiorari in this case, be, and the same is hereby, dismissed at the cost of the petitioner.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

O R D E R

No Clerk's costs shall be taxed against a party prosecuting a case in forma pauperis unless otherwise ordered by the Court.

Harlan F. Stone,

Chief Justice of the United States.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, October 12, next, at 12 o'clock.

MONDAY, OCTOBER 12, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that Marvin B. Simpson, Jr., Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Charles H. Baker, Esquire, of Jackson, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles P. Taft, It is ordered that Truman A. Herron, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Felix, It is ordered that J. G. Moser, Esquire, of Los Angeles, State of California; Irvin Schlesinger, Esquire, of Des Moines, State of Iowa; and Barnett Sumski, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Stafford, It is ordered that Charles A. Lethert, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris W. Lieberman, It is ordered that Franklin Haywood Berry, Esquire, of Toms River, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that Frances C. Burger, of Schenectady, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Claude R. Porter, It is ordered that George B. Porter, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Levin Aynesworth, It is ordered that Chalmers E. Lones, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allan Watkins, It is ordered that James H. Ross, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Edgar Murdock, It is ordered that Fred B. Trescher, Esquire, of Greensburg, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elwood G. Hubert, It is ordered that Jno. H. Clinton, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

Eugene W. Osment,

Petitioner,

140 vs.

Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers of the Wabash Railway Company.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for want of jurisdiction.

Per Mr. Chief Justice Stone.

The Davidson Transfer and Storage Company and W. T. Cowan, Incorporated,

Appellants,

113 vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the Eastern District of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Pennsylvania, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mike Gurney, Steve Rudek and John M. Drew,

Appellants,

128 vs.

J. R. Ferguson, H. L. Conley, George Bradley, etc., et al.

Appeal from the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Mike Gurney, Steve Rudek and John M. Drew,

Appellants,

128 vs.

J. R. Ferguson, H. L. Conley, George Bradley, etc., et al.

Appeal from the Supreme Court of the State of Oklahoma.

TREATING the appeal papers herein from the Supreme Court of the State of Oklahoma as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Tennessee Oil Company,

Appellant,

129 vs.

George F. McCanless, Commissioner of Finance and Taxation of the State of Tennessee.

Appeal from the Supreme Court of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Stone.

Cheltenham & Abington Sewerage Company,

Appellant,

160 vs.

Pennsylvania Public Utility Commission, et al.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a final judgment.

Per Mr. Chief Justice Stone.

Pennsylvania Public Utility Commission,

Petitioner,

169 vs.

Cheltenham & Abington Sewerage Company.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Stone.

George Peak,

Appellant,

174 vs.

The People of the State of California.

Appeal from the Superior Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the State of California, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

George Peak, Petitioner, vs. The People of the State of California.

On petition for writ of certiorari to the Superior Court of the State of California, Marin County.

174

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the State of California, Marin County, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Peak, Petitioner, vs. The People of the State of California.

174

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Toye Bros. Yellow Cab Co., Appellant, vs. Cooperative Cab Co., Inc., et al.

Appeal from the Supreme Court of the State of Louisiana.

192

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Stone.

Thelma Martin,
Appellant,
238 vs.
City of Struthers, Ohio.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed on the ground that the record does not show that the federal question presented was properly preserved on appeal to the Court of Appeals of Ohio.

Per Mr. Chief Justice Stone.

Antoinette Guiraudo Monks,
Appellant,
244 vs.
Ida Nancy Lee, and Chester D. Gunn, as Special Administrator of the Estate of Louisa D. Hempel, Deceased.

Appeal from the District Court of Appeal of the State of California, 4th Appellate District.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of Appeal of the State of California, 4th Appellate District, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed on the ground that it does not appear from the record that the appeal was applied for within the time provided by law.

Per Mr. Chief Justice Stone.

Ralph N. Clark, Leo A. Dorn, J. B. Farmer, et al.,
Appellants,
258 vs.
Bernard E. Doyle, as Excise Administrator Under the Laws of the State of Indiana, et al.

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and on motion to

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

General Motors Acceptance Corporation, et al.,

Appellants,

vs.

Sam Hulbert, as County Assessor of Canadian County, State of Oklahoma.

Appeal from the Supreme Court of the State of Oklahoma.

280

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this case.

The Morris Plan Industrial Bank of New York,

Appellant,

vs.

Mark Graves, et al., as and Constituting the State Tax Commission of the State of New York.

Appeal from the Supreme Court of the State of New York.

317

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this case.

C. I. T. Corporation, et al., Appellants, vs. A. H. Stone, Chairman, State Tax Commission, et al. — Appeal from the Supreme Court of the State of Mississippi.

359

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Universal Credit Company, et al., Appellants, vs. A. H. Stone, Chairman, State Tax Commission, et al. — Appeal from the Supreme Court of the State of Mississippi.

360

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

General Motors Acceptance Corporation, et al.,
Appellants,
vs.
Sam Hulbert, as County Assessor of Canadian County, State of Oklahoma.

Appeal from the Supreme Court of the State of Oklahoma.

280

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this case.

The Morris Plan Industrial Bank of New York,
Appellant,
vs.
Mark Graves, et al., as and Constituting the State Tax Commission of the State of New York.

Appeal from the Supreme Court of the State of New York.

317

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this case.

C. I. T. Corporation, et al., Appellants, vs. A. H. Stone, Chairman, State Tax Commission, et al. — Appeal from the Supreme Court of the State of Mississippi.

359

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Universal Credit Company, et al., Appellants, vs. A. H. Stone, Chairman, State Tax Commission, et al. — Appeal from the Supreme Court of the State of Mississippi.

360

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Yellow Manufacturing Acceptance Corporation, et al.,

Appellants,

361 vs.

A. H. Stone, Chairman, State Tax Commission, et al.

Appeal from the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment of the said Supreme Court, in this cause, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - -

The Interstate Commerce Commission, et al.,

Appellants,

175 vs.

Inland Waterways Corporation, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Terminal Railroad Association of St. Louis,

Appellant,

218 vs.

Brotherhood of Railroad Trainmen, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Agricultural Prorate Commission
of the State of California, et al.,

Appellants,

288 vs.

Mutual Orange Distributors, a Corporation, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Hoopeston Canning Co.,
E. Pritchard, Inc., et al.,

Appellants,

358 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Natural Milk Producers Association of California, a Corporation, et al.,

Appellants,

385 vs.

The City and County of San Francisco, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Illinois Commerce Commission,
John D. Biggs, et al.,

Appellants,

178 vs.

Charles M. Thomson, as Trustee, etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is assigned for argument immediately following No. 175.

Per Mr. Chief Justice Stone.

Ziffrin, Incorporated,

Appellant,

245 vs.

The United States of America
and Interstate Commerce Commission.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

248 vs.

William F. Monia and L. Aubrey
Williams.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Pacific Coast Dairy, Inc.,

Appellant,

275 vs.

Department of Agriculture of
the State of California, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits. Counsel are requested in their briefs and on the argument to discuss whether the judgment sought to be reviewed is final within section 237 of the Judicial Code. Compare Grays Harbor Logging Co. vs. Coats-Fordney Co., 243 U. S. 251, and Wick vs. Superior Court, 278 U. S. 575, with Bandini Co. vs. Superior Court, 284 U. S. 8.

The Solicitor General is invited to submit a brief in this case, and if he so desires to participate in the oral argument.

Per Mr. Chief Justice Stone.

Ex parte Eugene Weil,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte Eugene Weil,

Petitioner.

—, Original

A rule is ordered to issue, returnable October 22 next, requiring the respondent to show cause why leave to file the petition for writ of habeas corpus should not be granted. The case is assigned for argument on Monday, November 9, next.

The motion to appoint A. F. House, Esquire, of Little Rock, Arkansas, a member of the Bar of this Court, as counsel for the petitioner is granted.

Counsel are requested in the argument and briefs to discuss the jurisdiction of this Court, particularly in view of the Judiciary Act of 1925, to issue a writ of habeas corpus in this case.

Per Mr. Chief Justice Stone.

Ex parte Elmer E. Davis,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice.

Per Mr. Chief Justice Stone.

Ex parte John Botwinski,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Joe Cephus Gray,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Joseph Bematre,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles E. Phillips,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Alfred Maurice,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Donald Flowers,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Albert Smith,

Petitioner.

—, Original

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James R. Allen,

Petitioner.

ON CONSIDERATION of the application submitted herein by James R. Allen,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

5 vs.

Jack Sommers, et al.

ON CONSIDERATION of the motion to withdraw the appearance of John Elliott Byrne as counsel for the respondents in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Sola Electric Company,

Petitioner,

45 vs.

Jefferson Electric Company.

ON CONSIDERATION of the motion of Albert R. Teare for leave to file brief of France Manufacturing Company as amicus curiae in this case and for leave to participate in the oral argument,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Williams Manufacturing Company,

Petitioner,

332 O.T. 1941 vs.

United Shoe Machinery Corporation

ON CONSIDERATION of the motion of counsel for the petitioner to withdraw the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

H. T. Overstreet, R. Brazle and L. L. Garvin,

Petitioners,

284 vs.

North Shore Corporation.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

H. T. Overstreet, R. Brazle and L. L. Garvin,

Petitioners,

284 vs.

North Shore Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Jerome Parker Jerome,

Petitioner,

325 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jerome Parker Jerome, Order allowing certiorari.

Petitioner,

325 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Jerome Parker Jerome,

Petitioner,

326 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jerome Parker Jerome, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

326

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Carlota Benitez Sampayo, Petitioner, vs. The Bank of Nova Scotia.

115

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Carlota Benitez Sampayo, Petitioner, vs. The Bank of Nova Scotia. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

115

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Gordon A. Gantz,

Petitioner,

221 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Gordon A. Gantz,

Petitioner,

221 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Forest G. Wood,

Petitioner,

311 vs.

State of Indiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Forest G. Wood,

Petitioner,

311 vs.

State of Indiana.

On petition for writ of certiorari to the Circuit Court of Randolph County, State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Randolph County, State of Indiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that it does not appear from the papers submitted that petitioner has exhausted state remedies by appealing to the highest court of the state the judgment sought to be reviewed.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. Martin Prisament,

Petitioner,

323 vs.

Joseph H. Brophy, as Warden of Auburn Prison, Auburn, New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. Martin Prisament,

Petitioner,

323 vs.

Joseph H. Brophy, as Warden of Auburn Prison, Auburn, New York.

On petition for writ of certiorari to the Supreme Court of the State of New York, Cayuga County.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Cayuga County, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

The People of the State of New York, ex rel. Martin Prisament,

Petitioner,

323 vs.

Joseph H. Brophy, as Warden of Auburn Prison, Auburn, New York.

ON CONSIDERATION of the application for certiorari to the District Court of the United States for the Middle District of Georgia,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wilbur Coates,

Petitioner,

125 vs.

Patrick J. Brady, Warden of the Maryland Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Wilbur Coates,

Petitioner,

125 vs.

Patrick J. Brady, Warden of the Maryland Penitentiary.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Yanis,

Petitioner,

139 vs.

Herbert A. Smith, Warden, Eastern State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Yanis,

Petitioner,

139 vs.

Herbert A. Smith, Warden, Eastern State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lewis Wilcoxon,

Petitioner,

149 vs.

J. M. Mount, Sheriff, (Successor to J. C. Aldredge, Sheriff).

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Lewis Wilcoxon,

Petitioner,

149 vs.

J. M. Mount, Sheriff, (Successor to J. C. Aldredge, Sheriff).

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Roy Miller,

Petitioner,

150 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Roy Miller,

Petitioner,

150 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Hilliard Sanders and William Leo Keefe,

Petitioners,

151 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Hilliard Sanders and William Leo Keefe,

Petitioners,

151 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Thomas Patone,

Petitioner,

155 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Fatone,

Petitioner,

155 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

James E. Howell,

Petitioner,

158 vs.

Milton F. Amrine, Warden, Kansas State Prison, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James E. Howell,

Petitioner,

158 vs.

Milton F. Amrine, Warden, Kansas State Prison, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James S. Wright,

Petitioner,

164 vs.

The Union Central Life Insurance Co.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James S. Wright,

Petitioner,

164 vs.

The Union Central Life Insurance Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Willis Bullock,

Petitioner,

165 vs.

Thomas M. Rives, Superintendent, Washington Asylum and Jail.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Willis Bullock,

Petitioner,

165 vs.

Thomas M. Rives, Superintendent, Washington Asylum and Jail.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Royce R. Brown and Tom C. Moffitt,

Petitioner,

166 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Royce R. Brown and Tom C. Moffitt,

Petitioner,

166 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Milton J. Levine,

Petitioner,

168 vs.

Robert H. Hudspeth, Warden,
United States Penitentiary,
Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Milton J. Levine,

Petitioner,

168 vs.

Robert H. Hudspeth, Warden,
United States Penitentiary,
Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Claud Mivens,

Petitioner,

188 vs.

Robert H. Hudspeth, Warden,
United States Penitentiary,
Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Claud Nivens,

Petitioner,

188 vs.

Robert H. Hudspeth, Warden,
United States Penitentiary,
Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Leslie Williams and Joe Bennett,

Petitioners,

197 vs.

Joseph O'Grady, Warden of the
Nebraska State Penitentiary at
Lancaster, Lancaster County,
Nebraska.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Leslie Williams and Joe Bennett,

Petitioners,

197 vs.

Joseph O'Grady, Warden of the
Nebraska State Penitentiary at
Lancaster, Lancaster County,
Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Countee,

Petitioner,

204 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Countee,

Petitioner,

204 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Wm. H. Johnston,

Petitioner,

205 vs.

Wm. A. Marshall, Deputy Commissioner, 14th Compensation District, U. S. Employees' Compensation Commission, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS NOW HERE ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Wm. H. Johnston,

Petitioner,

205 vs.

Wm. A. Marshall, Deputy Commissioner, 14th Compensation District, U. S. Employees' Compensation Commission, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edmond L. Viles,

Petitioner,

208 vs.

The United States.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edmond L. Viles,

Petitioner,

208 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Herbert Buxton,

Petitioner,

209 vs.

Milton F. Amrine, Warden, Kansas State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Herbert Buxton,

Petitioner,

209 vs.

Milton F. Amrine, Warden, Kansas State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Henry Moore,

Petitioner,

215 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Henry Moore,

Petitioner,

215 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William P. Hudson,

Petitioner,

225 vs.

Rice M. Youell, Superintendent of the Virginia State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William P. Hudson,

Petitioner,

225 vs.

Rice M. Youell, Superintendent of the Virginia State Penitentiary.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Corinne C. Waterman,

Petitioner,

226 vs.

Colonel Somervell, Audrey McMahon, Individually and as Agents for the Works Progress and Work Projects Administration, etc., et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Corinne C. Waterman,

Petitioner,

226 vs.

Colonel Somervell, Audrey McMahon, Individually and as Agents for the Works Progress and Work Projects Administration, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Howard Neal,

Petitioner,

237 vs.

The State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Howard Neal,

Petitioner,

237 vs.

The State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Anderson,

Petitioner,

242 vs.

Alfred F. Dowd, as Warden of the Indiana State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Anderson,

Petitioner,

242 vs.

Alfred F. Dowd, as Warden of the Indiana State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cecil T. Garrison and James Perkins,

Petitioners,

247 vs.

Milton F. Amrine, Warden, Kansas State Prison, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Cecil T. Garrison and James Perkins,

Petitioners,

247 vs.

Milton F. Amrine, Warden, Kansas State Prison, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

S. V. Quick,

Petitioner,

255 vs.

State of Mississippi.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

S. V. Quick,
Petitioner,
255 vs.
State of Mississippi.

On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wilbert Weathers,
Petitioner,
257 vs.
The State of Kansas, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Wilbert Weathers,
Petitioner,
257 vs.
The State of Kansas, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dewey Gilmore,

Petitioner,

272 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Dewey Gilmore, Petitioner, vs. The United States of America. 272

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Max Weiner and Stephen G. Zvon,

Petitioners,

283 vs.

Commonwealth of Pennsylvania.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Max Weiner and Stephen G. Zvon, Petitioners,
283 vs.
Commonwealth of Pennsylvania.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ruth E. Derr, Petitioner,
289 vs.
Floyd Derr.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ruth E. Derr, Petitioner,
289 vs.
Floyd Derr.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles E. Schramm,

Petitioner,

295 vs.

Patrick J. Brady, Warden of the Maryland Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles E. Schramm,

Petitioner,

295 vs.

Patrick J. Brady, Warden of the Maryland Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Bernard M. Shotkin and Helen Shotkin, His Wife,

Petitioners,

298 vs.

Board of Pensions of the Presbyterian Church of the United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Bernard M. Shotkin and Helen Shotkin, His Wife,

Petitioners,

298 vs.

Board of Pensions of the Presbyterian Church of the United States of America.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ida M. Picking and Guy W. Picking,

Petitioners,

307 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ida M. Picking and Guy W. Picking,

Petitioners,

307 vs.

The People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Ingram Adams and John Milton Adams,

Petitioners,

313 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Ingram Adams and John Milton Adams,

Petitioners,

313 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lillian Brown,

Petitioner,

316 vs.

Capital Transit Company, a Corporation.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Lillian Brown,

Petitioner,

316 vs.

Capital Transit Company, a Corporation.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richard Smith,

Petitioner,

324 vs.

R. H. Lawrence, Warden, Georgia State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Richard Smith,

Petitioner,

324 vs.

R. H. Lawrence, Warden, Georgia State Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Louisiana, ex rel. Hugh Pierre,

Petitioner,

338 vs.

Hon. Sam Houston Jones, Governor of Louisiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

State of Louisiana, ex rel. Hugh Pierre,

Petitioner,

338 vs.

Hon. Sam Houston Jones, Governor of Louisiana.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roslyn Wells Addison,

Petitioner,

342 vs.

William Marlborough Addison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Roslyn Wells Addison,

Petitioner,

342 vs.

William Marlborough Addison.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter A. Leimer,

Petitioner,

352 vs.

John F. Cook, Judge of the Circuit Court of Kansas City, in Jackson County, Missouri, in the Sixteenth Judicial Circuit of Missouri, Division Two.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter A. Leimer,

Petitioner,

352 vs.

John F. Cook, Judge of the Circuit Court of Kansas City, in Jackson County, Missouri, in the Sixteenth Judicial Circuit of Missouri, Division Two.

On petition for writ of certiorari to the Circuit Court of Jackson County, State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Jackson County, State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmond L. Viles,

Petitioner,

381 vs.

J. Foster Symes, Ivor O. Wingren, Earl F. Wingren, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edmond L. Viles,

Petitioner,

381 vs.

J. Foster Symes, Ivor O. Wingren, Earl F. Wingren, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Choctaw Nation of Indians,

Petitioner,

80 vs.

The United States and The Chickasaw Nation of Indians.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Wm. A. Marshall, Deputy Commissioner, 14th Compensation District, U. S. Employees Compensation Commission, et al.,

Petitioners,

93 vs.

G. Pletz.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Endicott Johnson Corporation and Howard A. Swartwood, Secretary, Endicott Johnson Corporation,

Petitioners,

142 vs.

Frances Perkins, Secretary of Labor of the United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Detroit Bank, Formerly the Detroit Savings Bank, a Michigan Banking Corporation,

Petitioner,

156 vs.

The United States of America.

Order allowing certiorari

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

State of Michigan, John J. O'Hara, Auditor General for the State of Michigan, et al.,

Petitioners,

214 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

171 vs.

Oklahoma Gas & Electric Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Minnie Reese Richardson Wragg,

Petitioner,

172 vs.

Federal Land Bank of New Orleans.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Thomas J. Pendergast,
Petitioner,

183 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Robert Emmet O'Malley,
Petitioner,

186 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

A. L. McCormack,
Petitioner,

187 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

G. F. Albin,

Petitioner,

234 vs.

Cowing Pressure Relieving Joint Company, etc., et al.

Order allowing certiorari

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Charles Coryell, et al.,

Petitioners,

246 vs.

John S. Phipps and George J. Pilkington.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Securities and Exchange Commission,

Petitioner,

254 vs.

Chenery Corporation, H. M. Erskine, R. H. Neilson, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Clyde-Mallory Lines,

Petitioner,

265 vs.

Steamship "Eglantine" and The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Sterling P. Harris, Administrator of the Estate of Anna L. Harris, Deceased, Debtor,

Petitioner,

268 vs.

Zion Savings Bank and Trust Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Margaret M. Brady, as Administratrix of James P. Brady, Deceased,

Petitioner,

269 vs.

Roosevelt Steamship Company, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Enoch L. Johnson,

Petitioner,

Order allowing certiorari.

273 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Murray R. Spies,

Petitioner,

Order allowing certiorari.

278 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Hattie Mae Tiller, Executor of the Estate of John Lewis Tiller, Deceased,

Petitioner,

Order allowing certiorari.

296 vs.

Atlantic Coast Line Railroad Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Jersey Central Power & Light Company,

Petitioner,

299 vs.

Federal Power Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

New Jersey Power & Light Company,

Petitioner,

329 vs.

Federal Power Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Howard S. Palmer, et al., as Trustees for the New York, New Haven and Hartford Railroad Company,

Petitioners,

300 vs.

Howard F. Hoffman, etc. of Inez Hoffman, etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Daniel O'Donnell,

Petitioner,

320 vs.

Great Lakes Dredge and Dock Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Fred Fisher Music Co., Inc. and George Graff, Jr.,

Petitioners,

327 vs.

M. Witmark & Sons.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Le Roy J. Leishman,

Petitioner,

332 vs.

Associated Wholesale Electric Company, a Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Carter H. Harrison, Individually and as Collector of Internal Revenue, First Collection District of Illinois,

Petitioner,

103 vs.

The Northern Trust Company and Mary E. Kaufman, Executors Under the Will and Testament of Henry M. Wolf, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Norvel H. Lilly,

Petitioner,

124 vs.

Grand Trunk Western Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Appellate Court of the State of Illinois, First District, is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

303 vs.

American Dental Co.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Henry A. Kieselbach and Olga M. Kieselbach,

Petitioners,

184 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, limited to the first question presented by the petition and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

American Medical Association, a Corporation,

Petitioner,

201 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, limited to the first three questions presented by the petition.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Medical Society of the District of Columbia, a Corporation,

Petitioner,

202 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, limited to the first three questions presented by the petition.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Morris L. Marcus and Morris L. Marcus, in His Own Behalf,

Petitioners,

173 vs.

William F. Hess, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, on Relation of Samuel Ostrager and Samuel Ostrager, in His Own Behalf,

Petitioners,

236 vs.

New Orleans Chapter, Associated General Contractors of America, Inc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for argument immediately following case No. 173, United States ex rel. Marcus vs. Hess.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Fidelity Assurance Association, a Corporation, Debtor, et al.,

Petitioners,

319 vs.

Edgar B. Sims, Auditor of the State of West Virginia, etc., et al.

ON CONSIDERATION of the motion to consider the petition for certiorari upon the appendices to the briefs filed in the Circuit Court of Appeals,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Fidelity Assurance Association, a Corporation, Debtor, et al., Order allowing certiorari.

Petitioners,

319 vs.

Edgar B. Sims, Auditor of the State of West Virginia, etc., et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Hamlet Ice Company, Incorporated,

Petitioner,

104 vs.

Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor.

ON CONSIDERATION of the motion to substitute L. Metcalfe Walling, present Administrator of the Wage and Hour Division, U. S. Department of Labor, as the party respondent herein in the place and stead of Philip B. Fleming, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Hamlet Ice Company, Incorporated, Petitioner,
104 vs.
L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Kharaiti Ram Samras, Petitioner,
130 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied, for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Carleton Screw Products Company, Petitioner,
267 vs.
Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied, for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Alexander C. Bocz, Petitioner,
138 vs.
Hudson Motor Car Company, General Motors Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Murphy took no part in the consideration or decision of this application.

Claimants for Benefits Under the Michigan Unemployment Compensation Act, Petitioners,
203 vs.
Chrysler Corporation and the Appeals Board of the Michigan Unemployment Compensation Commission, et al.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Murphy took no part in the consideration or decision of this application.

Stuart A. Eacho, Trustee in Bankruptcy for Tip Top Tailors (Virginia) Incorporated, Bankrupt,

Petitioner,

270 vs.

Gerald D. Stone, Trustee in Bankruptcy of Tip Top Tailors, Inc., a Delaware Corporation, Bankrupt, et al.

ON CONSIDERATION of the motion to consider the petition for certiorari upon appendices to the brief in the Circuit Court of Appeals,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Stuart A. Eacho, Trustee in Bankruptcy for Tip Top Tailors (Virginia) Incorporated, Bankrupt,

Petitioner,

270 vs.

Gerald D. Stone, Trustee in Bankruptcy of Tip Top Tailors, Inc., a Delaware Corporation, Bankrupt, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Estate of W. M. L. Fiske, Deceased, Central Hanover Bank and Trust Company, Executor,

Petitioner,

328 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

C. Lloyd Neal,

Petitioner,

367 vs.

Lykes Bros. Ripley Steamship Co., Inc., Claimant S. S. Dryden.

ON CONSIDERATION of the motion to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

C. Lloyd Neal,

Petitioner,

367 vs.

Lykes Bros. Ripley Steamship Co., Inc., Claimant S. S. Dryden.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Nebo Oil Company, a Trust, by W. H. Clement, Trustee,

Petitioner,

88 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Roden Coal Company, Inc.,

Petitioner,

90 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Order of United Commercial Travelers of America,

Petitioner,

91 vs.

Nellie B. Wigginton..

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Murray Humphreys,
Petitioner,
92 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Joseph A. Piuma,
Petitioner,
95 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Blanche W. Barco, as Executrix of the Estate of Samuel J. Barco, Deceased, et al.,
Petitioners,
98 vs.
The Penn Mutual Life Insurance Company of Philadelphia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. Bernard S. Cogan,

Petitioner,

99 vs.

Mary Mann.

On petition for writ of certiorari to the Court of Appeals of the State Of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mifflinburg Body Company, Debtor,

Petitioner,

100 vs.

Mifflinburg Bank and Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

W. W. Clyde & Co., a Corporation,

Petitioner,

101 vs.

Mrs. Sada Dyess.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Leo P. Mirsky,
Petitioner,
102 vs.
Conlew, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Duquesne Club,
Petitioner,
105 vs.
Henry D. Bell, as Former Acting Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Duquesne Club,
Petitioner,
106 vs.
William D. Driscoll, as Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mary Boyd Evans, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

107

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Katharine Boyd Morehead, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

108

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Swastika Oil & Gas Company, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

109

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

W. E. Richardson, Individually and as Trustee, M. T. McArthur, Ferdinand Powell, et al.,
Petitioners,
110 vs.
Blue Grass Mining Co., Pendleton Store, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

May Department Stores Company,
Petitioner,
111 vs.
John Reynolds, Jr., by John Reynolds, Next Friend.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Chester C. Posgate Company,
Petitioner,
112 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. T. McCarthy, Jr., Doing Business as Hercules Supply Company, and G. L. Meholin,

Petitioners,

114 vs.

H. C. Wynne and American Exchange Bank of Henryetta, Oklahoma.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Nieschlag & Co., Inc.,

Petitioner,

116 vs.

Atlantic Mutual Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

S. J. Summers, C. E. Gamble, Mrs. A. C. Aston, et al.,

Petitioners,

117 vs.

Clare Purcell, William T. Watkins, J. Loyd Decell, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,
Petitioner,
vs.
Estate of David Davies, Deceased, by Mabel L. Davies, Executrix, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

118

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Advance Transportation Company,
Petitioner,
vs.
Arthur F. Miller, Thomas G. Foster, Richard J. Brown, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

119

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ben Bimberg & Co., Inc.,
Petitioner,
vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

120

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Dorothy K. Knost,
Petitioner,
121 vs.
Donald A. MacMillan.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Bernard H. Daniel,
Petitioner,
123 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Musher Foundation, Inc.,
Petitioner,
126 vs.
Alba Trading Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

United Construction Company,
Petitioner,
127 vs.
G. Sam Milam and Robert M. Coleman, Jr., Trustee for Diamond Rock Asphalt Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Scott P. Kittredge,
Petitioner,
131 vs.
Frank H. Stevens, American Surety Company, Albert R. MacKusick, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Robert H. Cory,
Petitioner,
133 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Second Carey Trust, an Express Trust,

Petitioner,

135 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Hare Trust, an Express Trust,

Petitioner,

136 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Louis Abraham, et al., Trustees of the Joe Abraham Estate,

Petitioners,

137 vs.

Hidalgo County Water Control and Improvement District No. 1, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Highway Construction Company of Ohio, Inc.,

Petitioner,

141 vs.

City of Miami, Florida.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

F. M. Maddix, Malinda Maddix, W. T. Saulsberry and George A. Saulsberry,

Petitioners,

143 vs.

E. L. Saulsberry.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

F. M. Maddix, Malinda Maddix, W. T. Saulsberry and George A. Saulsberry,

Petitioners,

144 vs.

E. L. Saulsberry.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

A. W. Sewell and John Sewell, Petitioners,

145 vs.

J. E. Crosbie, Inc., (a Corporation) and Henry H. Cross Company (a Corporation).

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

R. E. Crummer & Company, Petitioner,

146 vs.

E. H. Ware, et al. and Barnett Bank of Avon Park, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

R. E. Olds, et al., Petitioner,

147 vs.

Town of Belleair.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Carlos J. Miller, Charles Morton, Homer Shelton, etc., Petitioners,

148 vs.

The Louisville and Nashville Railroad Company, et al.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Everit B. Terhune, et al., Executors Under the Will of William L. Terhune, Petitioners,

152 vs.

William M. Welch, Collector.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Luckenbach Steamship Company, Inc., a Corporation, as Owner of the Steamship "Edward Luckenbach", Petitioner,

153 vs.

Societa Anonima Partecipazioni Industriali Commerciali, a Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Keystone Freight Lines, Inc.,
Petitioner,
154 vs.
Lee Way Motor Freight, Inc., Powell Bros. Truck Lines, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lawrence C. Phipps,
Petitioner,
157 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. R. Mason,
Petitioner,
159 vs.
Merced Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Estate of Carl Levis, Deceased, Henry Blumenthal and Manfred W. Ehrich, Executors,

Petitioners,

161 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Estate of Carl Levis, Deceased, Henry Blumenthal and Manfred W. Ehrich, Executors,

Petitioners,

162 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edward McGrew,

Petitioner,

170 vs.

William P. Simmons, Francis R. Harbison and Duquesne Heights Building and Loan Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mary E. Wenger,
Petitioner,
177 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Southwestern Greyhound Lines, Inc.,
Petitioner,
180 vs.
A. L. Buchanan.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Aaron Roth,
Petitioner,
181 vs.
Local No. 1460 of Retail Clerks Union, et al.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

O'Bryan Brothers,
Petitioner,
182 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Frieda S. Miller, as Industrial Commissioner of the State of New York,
Petitioner,
185 vs.
Western Perishable Carload Receivers Association of New York, Inc.

On petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York Appellate Division, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank A. Barlow, Trustee of the Estate of the Liberty Poster Company, a Corporation, Bankrupt,
Petitioner,
189 vs.
W. P. Budge, Claimant.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edmund Wright Ginsberg Corporation,

Petitioner,

190 vs.

John M. Swetnam, as Trustee in Bankruptcy of the Deford Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

C. C. Haraway,

Petitioner,

191 vs.

The State of Arkansas.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Phillips-Buttorff Manufacturing Company,

Petitioner,

193 vs.

William Johnson.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roul Mateus,
Petitioner,
194 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

American Liberty Oil Company,
Petitioner,
195 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

George J. Robinson,
Petitioner,
196 vs.
City of Baton Rouge, Louisiana.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Norman C. Schaller,

Petitioner,

198 vs.

City of Philadelphia.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman H. Stone, Marvin H. Stone and Jerome H. Stone, Jr., Doing Business as J. H. Stone & Sons,

Petitioners,

200 vs

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Series "A" Trust, an Express Trust,

Petitioner,

206 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lehigh Valley Railroad Company of Pennsylvania and Brotherhood of Railway and Steamship Clerks, etc.,

Petitioners,

207 vs.

Patrick J. Dooley.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rapid Roller Co., a Corporation,

Petitioner,

210 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Eastern Building Corporation,

Petitioner,

211 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eastern Building Corporation, Petitioner, vs. The United States. — On petition for writ of certiorari to the Court of Claims.

212

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. W. Stickle & Company, Petitioner, vs. Interstate Commerce Commission. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

216

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

State of Ohio, ex rel. Rodney P. Lien, Superintendent of Banks of the State of Ohio, etc., Petitioner, vs. Metropolitan Life Insurance Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

217

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

R. Picard, Individually and as Administrator of the Estate of Martin Schenk, Deceased, et al., Petitioners, vs. United Aircraft Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

219

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Trinity Corporation, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

220

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Otto Rose, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

222

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Samuel C. Pandolfo, Petitioner,
223 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Ella L. Wiggins, Petitioner,
224 vs.
Elizabeth Liggett Kennard.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Great Southern Trucking Company, Petitioner,
227 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

B. C. Schram, Receiver of the First National Bank-Detroit, a National Banking Association,

Petitioner,

228 vs.

Joseph L. Coyne.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Alabama Power Company,

Petitioner,

229 vs.

Federal Power Commission.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Estate of Frank B. Anderson, The Bank of California, National Association, Executor,

Petitioner,

230 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Hawaiian Gas Products, Limited, a Corporation,

Petitioner,

231 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

H. W. Kelley, et al.,

Petitioners,

232 vs.

Everglades Drainage District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

James R. Washer, Executor, Estate of Benjamin Seelig Washer,

Petitioner,

233 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

James A. Rheinstrom, Executor Under the Will of Minna W. Rheinstrom, Deceased,

Petitioner,

239 vs.

Thomas J. Connor, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

First National Bank, Cincinnati, Ohio, Trustee Under the Will of Karl Kiefer, Deceased,

Petitioner,

240 vs.

Thomas J. Connor, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Kansas City Life Insurance Company,

Petitioner,

241 vs.

Carrie J. Parfet, Administrator of the Estate of George W. Parfet, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

General Radio Company, Petitioner, vs. Allen B. DuMont Laboratories, Inc. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

243

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Emma A. Querbacker, Petitioner, vs. Henderson County, N. C., Bankrupt. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

249

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Katz Underwear Company, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

251

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

National Protective Insurance Company,

Petitioner,

252 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Griff Williams,

Petitioner,

253 vs.

The United States of America

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Wilgard Realty Company,

Petitioner,

256 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William T. Mumforde,
Petitioner,
260 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Elizabeth Pascoe Cain,
Petitioner,
261 vs.
Alice Coffroth Hutson and C. Milton Hutson.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Strobel Steel Construction Company,
Petitioner,
262 vs.
State Highway Commissioner of the State of New Jersey.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Strobel Steel Construction Company,

Petitioner,

263 vs.

State Highway Commissioner of the State of New Jersey.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Strobel Steel Construction Company,

Petitioner,

264 vs.

State Highway Commissioner of the State of New Jersey.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Research Laboratories, Inc.,

Petitioner,

266 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lawrence J. Rogge and Eugene Rogge, Co-partners, Doing Business Under the Firm Name and Style of Sourdough Express, et al.,

Petitioners,

271 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Logan W. Marshall and Grace M. Marshall,

Petitioners,

274 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

John Gonzales and John Chierotti,

Petitioners,

276 vs.

The People of the State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Anthony Joseph Petrelli,

Petitioner,

277 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Dubuque Fire & Marine Insurance Company,

Petitioner,

279 vs.

Reynolds Company, Inc. and Home Insurance Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

George W. Mason and Hazel B. Mason, His Wife,

Petitioners,

282 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Will H. Perry, Also Known as William H. Perry,

Petitioner,

285 vs.

Anna Baumann, Maud E. Lane and Lane Mortgage Company, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Aldus C. Higgins,

Petitioner,

287 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

M. Edward Buckley, Jr.,

Petitioner,

290 vs.

District of Columbia.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Florence H. McSweeney, Individually and as Administrator of the Estate of Eugene B. McSweeney,

Petitioner,

291 vs.

The Prudential Insurance Company of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. H. Neher,

Petitioner,

292 vs.

A. E. Harwood, as Postmaster of the City of La Verne, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lebanon Steel Foundry,

Petitioner,

293 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Myra Page Wiren,
Petitioner,
294 vs.
Shubert Theatre Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Herman Frederick Willkie,
Petitioner,
297 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Charles M. Thomson, as Trustee of the Property of Chicago and North Western Railway Company, et al.,
Petitioners,
301 vs.
Florence G. Hicks and N. E. Catlin.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Harriet J. Faber, Executrix of the Estate of Henry B. Faber, Deceased, et al.,

Petitioners,

302 vs.

Triumph Explosives, Inc. and Glenn L. Martin Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Martin Brothers Box Company,

Petitioner,

304 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

E. J. Thomas, J. R. McDonald, J. R. Mason, et al.,

Petitioners,

305 vs.

El Dorado Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Alfred Cookman Miner, Individually and as Successor Trustee Under the Last Will and Testament of Julia A. Miner, Deceased,

Petitioner,

306 vs.

Reconstruction Finance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Scott M. Loftin and Wm. R. Kenan, Jr., as Receivers of the Florida East Coast Railway Company,

Petitioners,

308 vs.

Crowley's, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Aktiebolaget Separator,

Petitioner,

309 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

John Len Lacy,

Petitioner,

310 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

De Bardeleben Coal Company, Inc.,

Petitioner,

312 vs.

Mrs. Lois Macomber, Administratrix of the Estate of John B. Macomber.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. S. Odland, as Receiver of the National Bank of Fairmont, West Virginia,

Petitioner,

315 vs.

Fairmont Supply Company, a Corporation.

On petition for writ of certiorari to the Circuit Court of Marion County, State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Marion County, State of West Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Consolidated Distributors, Inc., Petitioner, vs. City of Atlanta. — On petition for writ of certiorari to the Supreme Court of the State of Georgia.

318

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Goldblatt Bros., Inc., Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

330

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ella G. Wood, Petitioner, vs. The Federal Land Bank of Omaha, Nebraska, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

331

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, Debtor,

Petitioner,

333 vs.

Juanita A. Gallion, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Quincy and Ila Mingori,

Petitioners,

334 vs.

Lynn R. Broderick, Collector of Internal Revenue for the District of Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Aetna Insurance Company,

Petitioner,

335 vs.

Robert C. Jeffcott.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

City of New Rochelle,
Petitioner,
339 vs.
Westchester Electric Railroad Company and New Rochelle Railway and Transit Company.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Doehler Metal Furniture Co., Inc.,
Petitioner,
340 vs.
Lindsay C. Warren, Comptroller General of the United States.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Pacific Southwest Realty Company,
Petitioner,
341 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Continental Distilling Corporation,

Petitioner,

344 vs.

The Connecticut Importing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

National Hospital Service Society, Inc.,

Petitioner,

345 vs.

Albert F. Jordan, Superintendent of Insurance, Government of the District of Columbia.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ernest Newton Kalb,

Petitioner,

347 vs.

Yellow Manufacturing Acceptance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Emil Stein and William B. Stein,
Petitioners,
351 vs.
Preston Delano, Comptroller of the Currency, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

James W. Andrews, as Trustee in Bankruptcy of the Estate of Frank Shannon, Bankrupt,
Petitioner,
356 vs.
The Metropolitan Jockey Club and Walter Keenan, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York, Nassau County.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Nassau County, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Martin M. Goldman,

Petitioner,

962 O.T. 1940 vs.

The United States of America;

Jacob P. Shulman,

Petitioner,

963 O.T. 1940 vs.

The United States of America; and

Theodore Goldman,

Petitioner,

980 O.T. 1940 vs.

The United States of America.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ed Wetzel,

Appellant,

—— O.T. 1941 vs.

W. F. Schaefer.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dewey Brillhart, Administrator, etc.,

Petitioner,

772 O.T. 1941 vs.

The Excess Insurance Company of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Casebeer,

Petitioner,

914 O.T. 1941 vs.

Robert H. Hudspeth, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Otto C. Berry, et al.,

Petitioners,

1141 O.T. 1941 vs.

Bohn Aluminum & Brass Corporation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert A. Helton, Administrator, etc.,

Petitioner,

1157 O.T. 1941 vs.

Charles M. Thompson, Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Moody, et al.,

Petitioners,

1167 O.T. 1941 vs.

Toole County Irrigation District.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

L. W. Mesta,

Petitioner,

1176 O.T. 1941 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

O. O. Owens,

Petitioner,

1184 O.T. 1941 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. R. Mason,

Petitioner,

1198 O.T. 1941 vs.

Anderson-Cottonwood Irrigation District.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Engineers Club of Philadelphia,

Petitioner,

1201 O.T. 1941 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Andrew R. Hastings,

Petitioner,

1208 O.T. 1941 vs.

Robert H. Hudspeth, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Homer C. Price,

Petitioner,

1215 O.T. 1941 vs.

National Surety Corporation of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis E. Weidhaas,

Petitioner,

1230 O.T. 1941 vs.

Loew's, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. F. Howard,

Petitioner,

1232 O.T. 1941 vs.

United States, ex rel. S. S. Alexander, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Concord Company,

Petitioner,

1237 O.T. 1941 vs.

Walter R. Willcuts, et al., as Executors, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. J. H. Hodges,

Petitioner,

1248 O.T. 1941 vs.

Ocean Accident & Guarantee Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roydon M. Barrett,

Petitioner,

1284 O.T. 1941 vs.

Charles W. Williamson.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert L. Peyton,

Petitioner,

903 O.T. 1941 vs.

Railway Express Agency, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert L. Peyton,

Petitioner,

903 O.T. 1941 vs.

Railway Express Agency, Inc., et al.

ON CONSIDERATION of the motion to recall the mandate in this case and to retax costs,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carlota Benitez Sampayo,

Petitioner,

1197 O.T. 1941 vs.

The Bank of Nova Scotia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

- - - - - - - - - -

William H. Dunn, Jr., and
Raymond Krause,

Appellants,

77 vs.

The State of Ohio.

This case was reported for failure to comply with the rules.

Henry Kravitz,

Petitioner,

122 vs.

The People of the State of New York.

This case was reported for failure to comply with the rules.

- - - - - - - - - -

Ex parte Kumezo Kawato,

Petitioner.

10, Original.

Argued by Mr. Lasher B. Gallagher for the respondent and case submitted by Kumezo Kawato, pro se.

The United States of America,

Petitioner,

4 vs.

William R. Johnson; and

The United States of America,

Petitioner,

5 vs.

Jack Sommers, et al.

Reargued by Mr. Arnold Raum for the petitioner and by Mr. Floyd E. Thompson and Mr. William J. Dempsey for the respondent in No. 4, and case submitted by Mr. Harold R. Schradzke for the respondents in No. 5.

W. B. Parker, Director of Agriculture, et al.,

Appellants,

46 vs.

Porter L. Brown.

Reargument commenced by Mr. Walter L. Bowers for the appellants; continued by Mr. G. Levin Aynesworth for the appellee; by Mr. Robert L. Stern for the United States, as amicus curiae, by special leave of court; and by Mr. Walter L. Bowers for the appellants.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, OCTOBER 13, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Frank Settle, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Carl E. Nesbitt, Esquire, of Greenville, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that Benjamin Diamond, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Johnson, It is ordered that Beach Vasey, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that William H. Gambrell, Esquire, of New York, State of New York, and Thomas F. Boyle, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Coulson, It is ordered that Horace E. Whiteside, Esquire, of Ithaca, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Nelson Moore, It is ordered that Joseph V. Downs, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Enrietto, It is ordered that Karl Edwin Seyfarth, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Swiren, It is ordered that Benjamin Walter Heineman, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel H. Sabin, It is ordered that Frank Biegelmeier, Esquire, of Yankton, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Ashley Mason, It is ordered that Mark H. Woolsey, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Reese D. Alsop, It is ordered that C. Frank Reavis, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. H. Thatcher, It is ordered that Herman Cohen, Esquire, of Louisville, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilkie Bushby, It is ordered that Henry J. Friendly, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Ex parte Eugene Weil,

Petitioner.

---, Original.

It is ordered that Henry J. Friendly, Esquire, of New York City, a member of the bar of this Court, be, and he is hereby, appointed to serve as associate counsel for the petitioner in this case.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

W. B. Parker, Director of Agriculture, et al.,

Appellants,

46 vs.

Porter L. Brown.

Reargument continued by Mr. Walter L. Bowers for the appellants; by Mr. G. Levin Aynesworth for the appellee; and concluded by Mr. Strother P. Walton for the appellants.

Claude R. Wickard, Secretary of Agriculture of the United States, et al.,

Appellants,

59 vs.

Roscoe C. Filburn.

Reargued by Mr. Solicitor General Fahy for the appellants and by Mr. Webb R. Clark and Mr. Harry N. Routzohn for the appellee.

Frederick H. Ecker, et al., etc.,

Petitioners,

7 vs.

Western Pacific Railroad Corporation, et al.;

Crocker First National Bank of San Francisco, et al, etc.,

Petitioners,

8 vs.

Western Pacific Railroad Corporation, et al.;

The Western Pacific Railroad Company,

Petitioner,

20 vs.

Frederick H. Ecker, et al.;

Reconstruction Finance Corporation,

Petitioner,

33 vs.

Western Pacific Railroad Corporation, et al.; and

Irving Trust Company, as Substituted Trustee, etc.,

Petitioner,

61 vs.

Crocker First National Bank of San Francisco, et al., etc.

Three and one-half hours allowed for oral argument. Argument commenced by Mr. Robert T. Swaine for the Institutional Bondholders Committee and continued by Mr. Russell L. Snodgrass for the Reconstruction Finance Corporation.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Samuel L. Lewis, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore E. Rein, It is ordered that Edward J. Hess, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. O'Mahoney, It is ordered that Eph. U. Johnson, Esquire, of Rawlins, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Lloyd Kitchel, It is ordered that Charles W. McConaughy, Esquire, of New York, State of New York; Eugene J. Conroy, Esquire of Newark, State of New Jersey, and Emmet McCaffery, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Spencer B. Michael, It is ordered that John H. Glaccum, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas P. Smith, It is ordered that Albert K. Orschel, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

A. W. Stickle & Company,

Petitioner,

216 . vs.

Interstate Commerce Commission.

ON CONSIDERATION of the motion to withhold the issuance of the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

Frederick H. Ecker, et al., etc.,

Petitioners,

7 vs.

Western Pacific Railroad Corporation, et al.;

Crocker First National Bank of San Francisco, et al., etc.,

Petitioners,

8 vs.

Western Pacific Railroad Corporation, et al.;

The Western Pacific Railroad Company,

Petitioner,

20 vs.

Frederick H. Ecker, et al.;

Reconstruction Finance Corporation,

Petitioner,

33 vs.

Western Pacific Railroad Corporation, et al.; and

Irving Trust Company, as Substituted Trustee, etc.,

Petitioner,

61 vs.

Crocker First National Bank of San Francisco, et al., etc.

Argument continued by Mr. Russell L. Snodgrass for the Reconstruction Finance Corporation; by Mr. M. C. Sloss for Western Pacific Railroad Corporation; by Mr. Robert E. Coulson for A. C. James Company; by Mr. E. G. Buckland for The Railroad Credit Corporation; by Mr. Russell L. Snodgrass for the Reconstruction Finance Corporation; by Mr. Robert T. Swain for the Institutional Bondholders Committee; by Mr. Harold C. McCollom for Irving Trust Company, Trustee of General Refunding Mortgage; and concluded by Mr. Orville W. Wood for Crocker First National Bank of San Francisco, et al., Trustees of First Mortgage.

Group of Institutional Investors, et al.,

Petitioners,

11 vs.

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.;

Group of Institutional Investors, et al.,

Petitioners,

12 vs.

Union Trust Co., et al.;

Group of Institutional Investors, et al.,

Petitioners,

13 vs.

Israel A. Abrams, et al.;

Group of Institutional Investors, et al.,

Petitioners,

14 vs.

H. C. Orton, et al., etc.;

Group of Institutional Investors, et al.,

Petitioners,

15 vs.

Guaranty Trust Co. of New York, et al., etc.;

Group of Institutional Investors, et al.,

Petitioners,

16 vs.

Chicago, Terre Haute & Southeastern Ry. Co., et al.;

Group of Institutional Investors, et al.,

Petitioners,

17 vs.

United States Trust Co., of New York as Trustee, etc.;

Group of Institutional Investors, et al.,

Petitioners,

18 vs.

Trustees of Princeton University, et al., etc.;

Group of Institutional Investors, et al.,

Petitioners,

19 vs.

E. Stanley Glines, et al., etc.; and

Reconstruction Finance Corporation,

Petitioner,

32 vs.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, et al.

Argument commenced by Mr. Kenneth F. Burgess for Group of Institutional Investors.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, OCTOBER 15, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Milton V. Thompson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Lloyd Kitchel, It is ordered that Edward E. Watts, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felix S. Cohen, It is ordered that James E. Curry, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam M. Russell, It is ordered that Dallas Scarborough, Esquire, of Abilene, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Gordon Simpson, Esquire, of Tyler, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick A. Thuse, It is ordered that Vance V. Vaughan, Esquire, of Washington, District of Columbia, and Stuart H. Robeson, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - -

United Carbon Company, et al.,

Petitioners,

71 vs.

Binney & Smith Company.

Motion for leave to file brief of Godfrey L. Cabot, Inc., as amicus curiae, submitted by Mr. Robert E. Kline, Jr., in that behalf.

- - - - - - - - - -

Group of Institutional Investors, et al.,

Petitioners,

11 vs.

Chicago, Milwaukee, St. Paul & Pacific R. R. Co.;

Group of Institutional Investors, et al.,

Petitioners,

12 vs.

Union Trust Co., et al., etc.;

Group of Institutional Investors, et al.,

Petitioners,

13 vs.

Israel A. Abrams, et al.;

Group of Institutional Investors,
et al.,

Petitioners,

14 vs.

H. C. Orton, et al., etc.;

Group of Institutional Investors,
et al.,

Petitioners

15 vs.

Guaranty Trust Co. of New York,
et al., etc.;

Group of Institutional Investors,
et al.,

Petitioners,

16 vs.

Chicago, Terre Haute & Southeastern
Ry. Co., et al.;

Group of Institutional Investors,
et al.,

Petitioners,

17 vs.

United States Trust Co., of New York,
as Trustee, etc.;

Group of Institutional Investors,
et al.,

Petitioners,

18 vs.

Trustees of Princeton University,
et al., etc.;

Group of Institutional Investors,
et al.,

Petitioners,

19 vs.

E. Stanley Glines, et al., etc.; and

Reconstruction Finance Corporation,

Petitioner,

32 vs.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, et al.

Argument continued by Mr. A. N. Whitlock for Henry A. Scandrett, et al., Trustees for Chicago, Milwaukee, St. Paul and Pacific R. R. Co.; by Mr. Fred N. Oliver for Mutual Savings Bank Group; by Mr. Russell L. Snodgrass for Reconstruction Finance Corporation; by Mr. John L. Hall for Chicago, Milwaukee, St. Paul and Pacific R. R. Co., Debtor; by Mr. Albert K. Orschel for Protective Committee of Holders of Preferred Stock of Chicago, Milwaukee, St. Paul and Pacific R. R. Co; by Mr. McCready Sykes for United States Trust Co., of New York as Trustee, etc.; by Mr. Frederick J. Moses for "Universd ty Group" of General Mortgage Bondholders; by Mr. Edwin S. S. Sunderland for the Fifty Year Mortgage Trustees; by Mr. C. Frank Reavis for the Protective Committee of Fifty Year Mortgage Bonds; by Mr. Meyer Abrams for Adjustment Mortgage Bondholders; by Mr. Thomas S. McPheeters for Gary First Mortgage Group; by Mr. Reese D. Alsop for Chicago, Terre Haute and Southeastern Ry. Co.; First Lien Bondholders Committee; by Mr. Ernest S. Ballard for Massachusetts Mutual Life Insurance Co., et al.; and concluded by Mr. Kenneth P. Burgess for Group of Institutional Investors, et al.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wall Doxey, It is ordered that Wm. Russell Brown, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Hughes, Jr., It is ordered that Curtiss E. Frank, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton T. Broome, It is ordered that Michael Joseph Lane, Esquire, of Suitland, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Silverman, It is ordered that Maurice Rubinger, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest L. Wilkinson, It is ordered that Robert E. Knowlden, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Alexander G. Yuppa, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

The United States,

Petitioner,

9 vs.

Consumers Paper Company.

Argued by Mr. Paul A. Freund for the petitioner and by Mr. Fred B. Rhodes for the respondent.

Warren-Bradshaw Drilling Company,

Petitioner,

21 vs.

O. V. Hall, Individually, etc., et al.

Argued by Mr. Frank Settle for the petitioner and by Mr. Dallas Scarborough for the respondents.

State Bank of Hardinsburg,

Petitioner,

23 vs.

Chancey Ray Brown and Mary G. Brown.

Argued by Mr. Telford B. Orbison for the petitioner and case submitted by Mr. Samuel E. Cook and Mr. U. S. Lesh for the respondents.

Marine Harbor Properties, Inc.,

Petitioner,

24 vs.

Manufacturer's Trust Company, as Trustee, etc., et al.

Motion for leave to file brief of certain charitable institutions as amici curiae submitted by Mr. Clarence F. Corner in that behalf.

Marine Harbor Properties, Inc.,

Petitioner,

24 vs.

Manufacturer's Trust Company, as Trustee, etc., et al.

Argument commenced by Mr. Arthur E. Friedland for the petitioner and continued by Mr. Chester T. Lane for the respondent, Securities and Exchange Commission, and by Mr. Charles E. Hughes, Jr., for the respondent, Manufacturer's Trust Co., as Trustee, etc.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Chauncey W. Reed, It is ordered that Elmer C. Tobin, Esquire, of Elgin, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Reece Harrison, It is ordered that Jesse C. Byrd, Esquire, of Crisfield, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Chauncey H. Levy, Esquire, of New York, State of New York; Sidney Basil Levy, Esquire, of New York, State of New York, and Lewis W. Cutrer, Esquire, of Houston, State of Texas, be admitted as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Magner, It is ordered that Morris I. Liebman, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Rogers, It is ordered that Hughes J. Rhodes, Esquire, of Burlington, State of North Carolina, and Moses B. Gillam, Jr., Esquire, of Windsor, State of North Carolina, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Edmond N. Cahn, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that Charles C. Fox, Esquire, of Jeffersonville, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Dickinson, It is ordered that John B. Prizer, Esquire, of Philadelphia, Commonwealth of Pennsylvania, and James W. Oram, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. Maloney, It is ordered that Lee Davis, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

The Chief Justice announced the following orders of the Court:

The Carter Oil Company,

Petitioner,

1 vs.

John F. Welker, Nellie E. Welker, Eastern Illinois and Peoria Railroad Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

It appearing to the Court that counsel for the respective parties have filed a stipulation to reverse the decree of the Circuit Court of Appeals in this case and without costs against the respondents;

THEREFORE, it is ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court of Appeals, in this case, be, and the same is hereby, reversed without costs to either party.

AND IT IS FURTHER ORDERED that this case, be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

H. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky,

Appellant,

259 vs.

Ben Williamson, Jr., Trustee of the Kentucky Fuel Gas Corporation.

Appeal from the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, it is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

H. Clyde Reeves, Commissioner of Revenue of the Commonwealth of Kentucky,

Petitioner,

259 vs.

Ben Williamson, Jr., Trustee of the Kentucky Fuel Gas Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - -

In the Matter of the Disbarment of

Paysoff Tinkoff.

It having been reported to the Court that Paysoff Tinkoff, of Chicago, State of Illinois, has been disbarred from the practice of the law by the Supreme Court of the State of Illinois; and this Court by order of June 1, 1942, having suspended the said Paysoff Tinkoff from the practice of the law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent, who has filed a return thereto; now, upon consideration of the rule to show cause and the return aforesaid,

It is ordered that the said Paysoff Tinkoff be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Stone.

Roy Alton Holwig,

Petitioner,

---

vs.

Wm. H. Hiatt.

ON CONSIDERATION of the application submitted by Roy Alton Holwig,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur S. Humes,

Petitioner,

—— vs.

Sam C. Blair, Judge.

ON CONSIDERATION of the application submitted by Arthur S. Humes,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank S. Fowler,

Petitioner.

——

ON CONSIDERATION of the application submitted by Frank S. Fowler,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Thomas M. Woffard,

Petitioner.

——

ON CONSIDERATION of the application submitted by Thomas M. Woffard,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gerald Vaughn Flynn,

Petitioner,

—— vs.

Robert H. Hudspeth, Warden.

ON CONSIDERATION of the motion for review submitted by Gerald Vaughn Flynn,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Pedro E. Sanchez Tapia,

Petitioner.

ON CONSIDERATION of the application for the allowance of an appeal herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John O. Spaulding,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application to the appropriate District Court.

Per Mr. Chief Justice Stone.

Ex parte Marvin Davis,

Petitioner.

—, Original.

ON CONSIDERATION of the motions for leave to file a petition for writ of certiorari and a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motions be, and they are hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte George E. Phillips,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank Contardi,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank Blaszak,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James Dobry,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ray J. Knowlton,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte George D. Templeton,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James E. Jackson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Joseph Brown,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Glenn Wilkerson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Thomas Jordan,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte David H. Johnson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a bill of complaint herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Fred Benioff Co.,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application to the Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

12 O.T. 1940 vs.

Appalachian Electric Power Company.

ON CONSIDERATION of the petition for construction of the mandate in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jessie William Miller,

Petitioner,

76 vs.

The United States of America.

It is ordered that Howard C. Westwood, Esquire, of Washington, D. C., be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

Per Mr. Chief Justice Stone.

Marine Harbor Properties, Inc.,

Petitioner,

24 vs.

Manufacturer's Trust Company, as Trustee, etc., et al.

ON CONSIDERATION of the motion for leave to file brief of The Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America and certain other charitable institutions as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

United Carbon Company and United Carbon Company, Inc.,

Petitioners,

71 vs.

Binney & Smith Company.

ON CONSIDERATION of the motion for leave to file brief of Godfrey L. Cabot, Inc., as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The Creek Nation, Order allowing certiorari.

Petitioner,

321 vs.

The United States.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Seminole Nation, Order allowing certiorari.

Petitioner,

322 vs.

The United States.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

336 vs.

Jacksonville Paper Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for argument immediately following No. 97, Higgins vs. Carr Bros. Co.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States,

Petitioner,

366 vs.

Brooks-Callaway Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. R. Gordon Whitman,

Petitioner,

72 vs.

Joseph H. Wilson, as Warden of Great Meadow Prison, Comstock, N. Y.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. R. Gordon Whitman,

Petitioner,

72 vs.

Joseph H. Wilson, as Warden of Great Meadow Prison, Comstock, N. Y.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Joseph E. Moses,

Petitioner,

362 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph E. Moses,

Petitioner,

362 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Robert Vivion Bell,

Petitioner,

368 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert Vivion Bell,

Petitioner,

368 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Walter McDonald and Otto Barnowski,

Petitioners,

382 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter McDonald and Otto Barnowski,

Petitioners,

382 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of Counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Clarence E. Mahaffey,

Petitioner,

384 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clarence E. Mahaffey,

Petitioner,

384 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas

On petition for writ of certicrari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lakeside Irrigation Co., Inc.,

Petitioner,

314 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion to defer consideration of the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lakeside Irrigation Co., Inc., Petitioner, 314 vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William Bunn, Petitioner, 364 vs. City of Atlanta. — On petition for writ of certiorari to the Court of Appeals of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Georgia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied on the ground that it does not appear from the record that application therefor was made within the time provided by law.

Per Mr. Chief Justice Stone.

William Fox,

Petitioner,

372 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Henry Kravitz,

Petitioner,

122 vs.

The People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. H. Crain and R. E. Lee Wilson, Jr., Trustees of Lee Wilson & Company, a Business Trust,

Petitioners,

199 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Armand Tokatyan,
Petitioner,
337 vs.
Max Chopnick.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Clarence J. Thompson,
Petitioner,
343 vs.
The State of Georgia.

On petition for writ of certiorari to the Court of Appeals of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Georgia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Stonewall Cotton Mills, Inc.,
Petitioner,
346 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mrs. John Hilley, Petitioner, vs. Wid Spivey, Sheriff. — On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

348

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy Largent, Petitioner, vs. Jack Reeves, City Marshal. — On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

349

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Tully B. Killam, Petitioner, vs. City of Floresville. — On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

350

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Armin F. Hillmer, as Representative of Creditors of Chicago Bank of Commerce,

Petitioner,

353 vs.

Vincent Bendix.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Industrial Board of the State of New York,

Petitioner,

357 vs.

The New York Central Railroad Company, Employer and Self-Insured.

On petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, Third Judicial Department.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Appellate Division, Third Judicial Department, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

S. R. Brackin,

Petitioner,

363 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of California, Petitioner, vs. Clifford C. Anglim, as U. S. Collector of Internal Revenue for the First District of California.

371

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

United Enterprises, Inc., Petitioner, vs. Anne Duby, Eva A. Lowther, and Lee Ora Brown, Being and Comprising the Members of the Florida State Board of Beauty Culture Examiners.

374

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

G. B. Howell, et al., Petitioners, vs. Chicago, Wilmington & Franklin Coal Company, Inc., et al.

375

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

G. B. Howell, et al., Petitioners,

376 vs.

Chicago, Wilmington & Franklin Coal Company, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ronning Machinery Company and The Galion Iron Works and Manufacturing Company, Petitioners,

377 vs.

Caterpillar Tractor Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Fred Porter, by His Executors, et al., Petitioners,

378 vs.

Barclay Cooke and Robert Barbour Cooke, as Executors of the Estate of Walter E. Cooke, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Title Insurance and Trust Company,

Petitioner,

379 vs.

Harry C. Mabry, as Executor of the Last Will and Testament of William J. Garland, Deceased, et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 2nd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 2nd Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

B. A. Kausal,

Petitioner,

380 vs.

79th and Escanaba Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lester H. Barnhart, Clinton R. Smith, George W. Yontz, et al.,

Petitioner,

383 vs.

Western Maryland Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Midland Cooperative Wholesale, Inc.,

Petitioner,

1058 O.T. 1941 vs.

Harold L. Ickes, Secretary of the Interior, et al.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mother Lode Coalition Mines Company,

Petitioner,

94 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

O R D E R

The Court will take a recess from Monday, October 26, until Monday, November 9, next.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

Marine Harbor Properties, Inc.,

Petitioner,

24 vs.

Manufacturer's Trust Company, as Trustee, etc., et al.

Argument continued by Mr. Charles E. Hughes, Jr., for the respondent, Manufacturer's Trust Co., as Trustee, etc.; by Mr. Benjamin

Heffner for the State of New York, as amicus curiae, by special leave of Court; by Mr. Chester T. Lane for the respondent, Securities and Exchange Commission; and concluded by Mr. Arthur E. Friedland for the petitioner.

Henry Anton Pfister,

Petitioner,

26 vs.

Northern Illinois Finance Corporation, et al.

Henry Anton Pfister,

Petitioner,

27 vs.

Northern Illinois Finance Corporation, et al.

Argued by Mr. Elmer McClain for the petitioner and by Mr. Elmer C. Tobin for the respondents.

The Washington Terminal Company,

Petitioner,

28 vs.

P. E. Boswell, et al.

Argument commenced by Mr. John Dickinson for the petitioner.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, OCTOBER 20, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Richard B. Russell, Jr., It is ordered that J. M. C. Townsend, Esquire, of Wildwood, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that Wilkes T. Thrasher, Esquire, of Chattanooga, State of Tennessee, and E. B. Baker, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Sirica, It is ordered that Anna H. Zachs, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Davis, It is ordered that Edison W. Mollohan, Jr., Esquire, of Washington, District of Columbia; Anthony J. Caputo, Esquire, of New York, State of New York; Harold W. Hastings, Esquire, of New York, State of New York, and Lawrason Riggs, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Morgan, It is ordered that Raymond T. Sawyer, Jr., Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ira Howell Ellis, It is ordered that John S. Powell, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

The People of the State of New York, ex rel. R. Gordon Whitman,

Petitioner,

72 vs.

Joseph H. Wilson, as Warden, etc.

It is ordered that Charles E. Hughes, Jr., Esquire, of New York City, be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The Washington Terminal Company,

Petitioner,

28 vs.

F. E. Boswell, et al.

Argument continued by Mr. John Dickinson for the petitioners and concluded by Mr. Willard H. McEwen for the respondents.

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

Argued by Mr. W. H. Strickland for the petitioners and by Mr. Hughes J. Rhodes for the respondent.

Lawrason Riggs, Jr., Special Guardian,

Petitioner,

vs.

Giovanni del Drago, et al.

Argued by Mr. John W. Davis for the petitioner and by Mr. Henry Cohen for the respondents Giovanni del Drago and Marcel del Drago; and case submitted by Mr. Anthony J. Caputo for respondent Byron Clark, Jr., as Executor, and by Mr. Harold W. Hastings for respondent Harold W. Hastings, Special Guardian.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Archibald King, It is ordered that Max R. Traurig, Esquire, of Waterbury, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Daniel William Leider, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Charles E. Scribner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leighton Homer Surbeck, It is ordered that Samuel Okin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter T. Nolte, It is ordered that William E. J. Connor, Esquire, of Hudson, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh Gordon Miller, It is ordered that Allen Gordon Miller, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Wagner, It is ordered that Frank T. O'Brien, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

40 vs.

The Ohio Leather Company;

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

41 vs.

The Strong Manufacturing Company; and

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

42 vs.

Warren Tool Company.

Argued by Mr. Valentine Brooks for the petitioner; by Mr. Donald J. Lynn for the respondent in No. 40; by Mr. Raymond S. Powers for the respondent in No. 41; and by Mr. Raymond T. Sawyer, Jr., for the respondent in No. 42.

Harry Braverman,

Petitioner,

43 vs.

The United States of America; and

Allen Wainer,

Petitioner,

44 vs.

The United States of America.

Argued by Mr. James J. Magner for the petitioner in No. 43; by Mr. John E. Dougherty for the petitioner in No. 44; and by Mr. W. Marvin Smith for the respondent.

Mitchell Clifton Anderson, et al.,

Petitioners,

10 vs.

The United States of America.

Argument commenced by Mr. Daniel William Leider for the petitioners and continued by Mr. Assistant Attorney General Berge for the respondent.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Melva M. Graney, of Washington, District of Columbia, and Robert Stuart Erdahl, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. Ryan, It is ordered that E. Marshall Thomas, Esquire, of Dubuque, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. Meriwether Smith, It is ordered that Henry F. Poyet, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Koehler, It is ordered that Robert A. Pulwiler, Esquire, of Roanoke, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry A. Schweinhaut, It is ordered that Zachariah Hicklin Douglas, Esquire, of Gainesville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

John Len Lacy,

Petitioner,

310 vs.

The United States of America.

ON CONSIDERATION of the application for a stay of the mandate of the Circuit Court of Appeals for the Fifth Circuit,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Mitchell Clifton Anderson, et al.,

Petitioners,

10 vs.

The United States of America.

Argument continued by Mr. Assistant Attorney General Berge for the respondent and concluded by Mr. Daniel William Leider for the petitioners.

Benjamin McNabb, et al.,

Petitioners,

25 vs.

The United States of America.

Argued by Mr. E. B. Baker for the petitioners and by Mr. Assistant Attorney General Berge for the respondent.

The United States,

Petitioner,

31 vs.

Fred J. Rice and W. Cameron Burton, Receivers, etc.

Argued by Mr. Valentine Brookes for the petitioner and by Mr. R. Aubrey Bogley for the respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

48 vs.

John Stuart.

Argument commenced by Mr. Assistant Attorney General Clark for the petitioner.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, OCTOBER 23, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that Fay W. Prescott, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Frank J. Glossa, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred L. Bennett, It is ordered that Arthur S. Wolpe, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Francis Kneip, It is ordered that Jess G. Sutliff, Esquire, of Independence, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert J. Jacobi, It is ordered that Nathan Tannenbaum, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Ex Parte Eugene Weil,

Petitioner.

—, Original.

Return to rule to show cause presented.

- - - - - - - - - - -

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

48 vs.

John Stuart.

Argument continued by Mr. Assistant Attorney General Clark for the petitioner; by Mr. Herbert Pope and Mr. George I. Haight for the respondent; and concluded by Mr. Assistant Attorney General Clark for the petitioner.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

49 vs.

R. Douglas Stuart.

Argued by Mr. Assistant Attorney General Clark for the petitioner and by Mr. Herbert Pope for the respondent.

Sola Electric Company,

Petitioner,

45 vs.

Jefferson Electric Company.

Argued by Mr. J. Bernhard Thiess for the petitioner and by Mr. Thomas H. Sheridan for the respondent.

The United States,

Petitioner,

65 vs.

Callahan Walker Construction Company.

Argued by Mr. Richard S. Salant for the petitioner and by Mr. Robert A. Littleton for the respondent.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, October 26, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas L. McKevitt, It is ordered that James E. Harrington, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nelson J. Jewett, It is ordered that James M. Votava, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Coleman, It is ordered that Donald A. Schafer, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Gallagher, It is ordered that Anthony Kane, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee I. Park, It is ordered that Allan A. Herrick, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joe Weber, It is ordered that Frederick Shapoe, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston C. King, Jr., It is ordered that Frederick W. Crawford, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred L. Bennett, It is ordered that Bernard M. Savage, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that A. J. Clynch, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - -

The United States, Petitioner, vs. Consumers Paper Company. 9

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed by an equally divided Court.

Per Mr. Chief Justice Stone.

Southeastern Greyhound Lines, Union Bus Company and Southeastern Management Company,

Appellants,

406 vs.

George P. McCanless, Commissioner of Finance and Taxation, et al.

Appeal from the Supreme Court of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

Penn Dairies, Inc. and The United States of America,

Appellants,

399 vs.

The Milk Control Commission of the Commonwealth of Pennsylvania.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is assigned for argument immediately following No. 275.

Per Mr. Chief Justice Stone.

Reconstruction Finance Corporation, Petitioner, vs. Bankers Trust Company, Trustee. — Order allowing certiorari.

387

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Reconstruction Finance Corporation, Petitioner, vs. Bankers Trust Company, Trustee. — Order allowing certiorari.

388

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

In re William V. Bradley, Petitioner. — Order allowing certiorari.

473

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

In re William V. Bradley,

Petitioner,

473

UPON CONSIDERATION of the application of the petitioner, William V. Bradley, for his release from custody on bail in the above entitled cause,

IT IS ORDERED by this Court that the petitioner, William V. Bradley, be released from custody and admitted to bail pending the final disposition of the cause by this Court conditioned, however, by his furnishing a good and sufficient bond in the amount of one thousand ($1,000) dollars executed and approved according to law by a Judge of the United States Circuit Court of Appeals for the Third Circuit and filed with the Clerk of that Court.

Per Mr. Chief Justice Stone.

Louis B. Bord, Alias Louis B. Boff,

Petitioner,

389 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Louis B. Bord, Alias Louis B. Boff,

Petitioner,

389 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis B. Bord, Alias Louis B. Boff,

Petitioner,

390 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Louis B. Bord, Alias Louis B. Boff,

Petitioner,

390 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Allen B. Woolworth,

Petitioner,

407 vs.

The State of Kansas, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Allen B. Woolworth,
Petitioner,
407 vs.
The State of Kansas, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gerald G. Barry and Georgiana G. Barry,
Petitioners,
393 vs.
Chrysler Corporation, Chrysler Sales Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Phoenix Finance Corporation, a Corporation of the State of Delaware,
Petitioner,
403 vs.
Iowa-Wisconsin Bridge Company, a Corporation of the State of Delaware.

On petition for writ of certiorari to the Supreme Court of the State of Delaware.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Delaware, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Mahogany Association, Inc. and Thompson Mahogany Company,

Petitioners,

286 vs.

Black & Yates, Inc., Thomas E. Powe Lumber Company and Walter G. Scrim.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Hazel Kruse, Administratrix of the Estate of Ernest Kruse, Deceased, et al.,

Petitioners,

365 vs.

New England Fish Company of Oregon, a Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Dill Manufacturing Company, Petitioner, vs. William F. Goff and The Ohio Injector Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

370

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Oluf Borup, et al., Seamen on Board the American Whale Factory Ship "Ulysses", Petitioners, vs. American Whale Factory Ship "Ulysses", Her Engines, Boilers, Tackle, etc., et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

386

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Joseph E. Levine, a Bankrupt, Petitioner, vs. Jack Levine. — On petition for writ of certiorari to the Supreme Court of the State of New York.

391

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Stuart Daggett, Sr., and American Trust Company, Executors of the Last Will and Testament of Estelle P. Clark, Deceased,

Petitioners,

392 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Time Incorporated,

Petitioner,

395 vs.

Viobin Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

General Porcelain Enameling and Manufacturing Company,

Petitioner,

397 vs.

The Ceramic Process Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Linen Thread Company, Ltd., Petitioner, vs. Guy T. Helvering, Commissioner of Internal Revenue.

400

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Parts Manufacturing Corporation, Petitioner, vs. Thomas P. Lynch, Special Agent, Federal Bureau of Investigation, et al.

401

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

James Heddon's Sons, Petitioner, vs. Millsite Steel & Wire Works, Inc.

402

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Wyatt D. Shultz and Carolyn Shultz, as Co-executors Under the Last Will of Albert B. Shultz, Deceased,

Petitioners,

404 vs.

Manufacturers and Traders Trust Company, Individually and as Co-executors Under the Last Will of Albert B. Shultz, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ben Preston,

Petitioner,

408 vs.

Bunker Hill State Bank of Bunker Hill, Kansas, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

United States Gauge Company,

Petitioner,

409 vs.

Penn Electric Switch Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lydia E. Pinkham Medicine Company,

Petitioner,

410 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Joe A. May and Lee May,

Petitioners,

411 vs.

John M. Parker Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ervin Howell and Raymond Earl Gutermuth,

Petitioners,

412 vs.

Royden O. Couch, Doing Business as Couch Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William W. Bachmann,

Petitioner,

417 vs.

New York City Tunnel Authority.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator, etc.,

Petitioner,

622 O.T. 1941 vs.

A. H. Belo Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Overnight Motor Transportation Company, Inc.,

Petitioner,

939 O.T. 1941 vs.

William H. Missel.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

O R D E R

Pursuant to the Act of May 9, 1942 (Public Law 543, 77th Congress), the Court will undertake the preparation of rules of practice and procedure with respect to appeals by the United States in certain cases.

To assist the Court in this undertaking, the Advisory Committee appointed by order of February 3, 1941 (amended by orders of May 26, 1941, and October 27, 1941), to assist the Court in the preparation of rules of pleading, practice, and procedure with respect to proceedings prior to and including verdict, or finding of guilty or not guilty, in criminal cases in district courts of the United States, is hereby authorized and directed to make such recommendations as may be deemed advisable respecting promulgation of rules of practice and procedure under the Act of May 9, 1942.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, November 9, at 12 o'clock.

MONDAY, NOVEMBER 9, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that Louis Kurz, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Glenn, It is ordered that Victor Behrstock, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Everett W. Mattoon, It is ordered that Eugene M. Elson, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that James Hendrick Terry, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh C. Bickford, It is ordered that Douglas I. Mann, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. Russell Brown, It is ordered that Robert P. Harland, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert D. Austin, It is ordered that Percy J. Power, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Wilson Smith, Jr., It is ordered that William Carl Bauer, Esquire, of Saginaw, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Thomas Austern, It is ordered that Richard A. Moore, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr.J. Frank Staley, It is ordered that Alfred T. Cluff, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander M. Heron, It is ordered that Elmer W. Beasley, Esquire, of Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy H. Russell, Jr., It is ordered that Herbert F. Hawkins, Esquire, of Lubbock, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Stafford, It is ordered that Clarence D. Todd, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Claude R. Wickard, Secretary of Agriculture of the United States, et al.,

Appellants,

vs.

Roscoe C. Filburn.

Appeal from the District Court of the United States for the Southern District of Ohio.

59

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Warren-Bradshaw Drilling Company,

Petitioner,

vs.

O. V. Hall, Individually and as Agent of W. N. Slaid, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

21

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Texas.

Per Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Roberts.

Lawrason Riggs, Jr., Special Guardian,

Petitioner,

vs.

Giovanni Del Drago, Marcel Del Drago, Byron Clark, Jr., as Executors, et al.

On writ of certiorari to the Surrogate's Court, New York County, State of New York.

30

THIS CAUSE came on to be heard on the transcript of the record from the Surrogate's Court, New York County, State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Surrogate's Court, in this cause, reversed with costs; and that this cause be, and the same is hereby, be, and the same is hereby, remanded to the said Surrogate's Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Murphy.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

vs.

The Ohio Leather Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

40

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to uphold the determination of the Commissioner of Internal Revenue.

Per Mr. Justice Murphy.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

vs.

The Strong Manufacturing Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

41

THIS CAUSE came on to be heard on the transcript of the

and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to uphold the determination of the Commissioner of Internal Revenue.

Per Mr. Justice Murphy.

Guy T. Helvering, Commissioner of Internal Revenue,
Petitioner,
42 vs.
Warren Tool Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to uphold the determination of the Commissioner of Internal Revenue.

Per Mr. Justice Murphy.

Marine Harbor Properties, Inc.,
Petitioner,
24 vs.
Manufacturer's Trust Company (Successor by Merger to the Mortgage Corporation of New York), as Trustee, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Douglas.

The United States, Petitioner, vs. Fred J. Rice and W. Cameron Burton, Receivers for D. C. Engineering Company, Inc. — On writ of certiorari to the Court of Claims.

31

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Ex parte Kumezo Kawato, Petitioner. — On petition for writ of mandamus.

10, Original.

THIS CAUSE came on to be heard on the petition for writ of mandamus, answer, and briefs, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered by this Court that the petition for writ of mandamus be, and the same is hereby, granted.

Per Mr. Justice Black.

The United States, Petitioner, vs. Callahan Walker Construction Company. — On writ of certiorari to the Court of Claims.

65

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Harry Braverman, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

43

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan where petitioner will be re-sentenced in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Allen Wainer, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

44

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan where petitioner will be re-sentenced in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - - -

Royal Cadillac Service, Inc., and Reliable Cadillac Lines, Inc.,

Appellants,

vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the Southern District of New York.

423

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and on motions to affirm which were duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, by this Court that the motions to affirm the decree of the court below, be, and the same are hereby, granted.

AND IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the decree of the said District Court, in this cause, be, and the same is hereby, affirmed, it appearing that the only substantial question raised by the appeal--whether under section 206 (a) of the Interstate Commerce Act, 49 U. S. C., section 306 (a), appellants may lawfully continue operation until the determination by the Commission of their application for a certificate of public convenience and necessity--has become moot because of the denial of such application by the Interstate Commerce Commission on September 16, 1942.

Per Mr. Chief Justice Stone.

John Lawrence Coleman,

Appellant,

491 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Lawrence Coleman,

Appellant,

491 vs.

The People of the State of California.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

J. Monroe Floyd,

Petitioner,

426 vs.

The Du Bois Soap Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

J. Monroe Floyd, Petitioner,

426 vs.

The Du Bois Soap Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Ohio is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

J. Monroe Floyd, Petitioner,

426 vs.

The Du Bois Soap Company.

On writ of certiorari to the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Ex parte William Ira Jenkins,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United States,

Plaintiff,

— vs.

Henry Eugene Terrell.

ON CONSIDERATION of the motion by defendant to set aside the judgment in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James Rulong,

Petitioner.

—

ON CONSIDERATION of the application of James Rulong for the allowance of an appeal herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

In the Matter of Joe Tenner,

Petitioner.

—

It is ordered that the orders of this Court entered herein October 27, 1941, December 8, 1941, and December 15, 1941, staying the execution and enforcement of the judgment of the Superior Court of the State of California in and for the City and County of San Francisco, and the order of December 22, 1941, prohibiting the removal of petitioner from the State of California, be, and the same are hereby, vacated.

Per Mr. Chief Justice Stone.

Selvie Winfield Wells,

Petitioner,

11, Original vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Selvie Winfield Wells,

Petitioner,

11, Original vs.

The United States of America.

On motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Selvie Winfield Wells, Order allowing certiorari.

Petitioner,

11, Original vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Selvie Winfield Wells,

Petitioner,

11, Original vs.

The United States of America.

O R D E R

The Court directs that the expense of printing the record in this case be paid by the United States, pursuant to 28 U. S. C., sec. 832.

Per Mr. Chief Justice Stone.

Wilder Tileston,

Appellant,

420 vs.

Abraham S. Ullman, State's Attorney, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Carlota Benitez De Seix, et al.,

Petitioners,

250 vs.

Ros Maria Anciani, et al.

ON CONSIDERATION of the "Petition to the Court" filed herein September 9, 1942,

IT IS ORDERED by this Court that the said "Petition" be, and the same is hereby, denied without prejudice to an application to the District Court.

Per Mr. Chief Justice Stone.

Maurice Mandeville, as Trustee Under the Last Will and Testament of Richard A. Canterbury, Deceased, etc., et al., — Order allowing certiorari.

Petitioners,

422 vs.

Greek Miller Canterbury.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Federal Security Administrator, — Order allowing certiorari.

Petitioner,

424 vs.

The Quaker Oats Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Corn Exchange National Bank and Trust Company, Philadelphia, and Edward C. Dearden, Sr., — Order allowing certiorari.

Petitioners,

452 vs.

Norman Klauder, Trustee of Quaker City Sheet Metal Co., Bankrupt.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Hurlbut W. Smith, — Order allowing certiorari.

Petitioner,

429 vs.

Frank J. Shaughnessy, Collector of Internal Revenue of the United States for the Twenty-first District of New York.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Joseph De Zon,

Petitioner,

436 vs.

American President Lines, Ltd.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph De Zon, Petitioner,

436 vs.

American President Lines, Ltd.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Southern Pacific Company, Petitioner,

213 vs.

Gladys Viola Haight.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

National Labor Relations Board, Petitioner,

394 vs.

Express Publishing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Chattanooga Bakery, Inc., Petitioner, vs. National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

414

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Charles Beland, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

416

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

R. Simpson & Co., Inc., Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

419

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Luke Manion,

Petitioner,

425 vs.

State of Michigan and G. Donald Kennedy, Michigan State Highway Commissioner.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

O. M. Tate, Jr., Trustee in Bankruptcy of Post and Company, a Co-partnership Consisting of Fred S. Post, et al.,

Petitioners,

428 vs.

Rose McCabe Hoover.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. T. Poindexter & Sons Merchandise Company,

Petitioner,

431 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

S. T. Person, as Ancillary Administrator De Bonis Non With the Will Annexed of Washington Gray, Deceased,

Petitioner,

432 vs.

The National City Company, a Corporation, Also Known as the City Company, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Terminal Railroad Association,

Petitioner,

433 vs.

Julia C. Miller, Administratrix of the Estate of Ernest F. Miller, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Martin L. Sweeney,

Petitioner,

434 vs.

Eleanor M. Patterson, Trading as the Washington Times-Herald, Drew Pearson and Robert S. Allen.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Indiana Gas & Chemical Corporation,
Petitioner,
443 vs.
Kentucky Natural Gas Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

People of the State of California, on the Relation of Charles J. McColgan, as State Franchise Tax Commissioner,
Petitioner,
413 vs.
John Howard Bruce.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

John J. Fulton Company,
Petitioner,
421 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Colonial Oil Company,
Petitioner,
430 vs.
American Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Paul O. Buckley,
Petitioner,
442 vs.
Ross W. Judson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration or decision of this application.

Harry Eyer,
Petitioner,
415 vs.
Patrick J. Brady, Warden of the Maryland Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harry Eyer,

Petitioner,

415 vs.

Patrick J. Brady, Warden of the Maryland Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edmond C. Fletcher,

Petitioner,

448 vs.

William G. Maupin, Henry Morgenthau, Jr., Secretary of the Treasury of the United States, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edmond C. Fletcher,

Petitioner,

448 vs.

William G. Maupin, Henry Morgenthau, Jr., Secretary of the Treasury of the United States, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert W. Halliday, et al.,

Petitioners,

437 vs.

State of Ohio, ex rel. S. H. Squire, Superintendent of Banks, etc., et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert W. Halliday, et al., Petitioners, vs. State of Ohio, ex rel. S. H. Squire, Superintendent of Banks, etc., et al. 437

On petition for writ of certiorari to the Court of Appeals of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert W. Halliday, et al.,

Petitioners,

438 vs.

State of Ohio, ex rel. S. H. Squire, Superintendent of Banks, etc., et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert W. Halliday, et al., Petitioners, vs. State of Ohio. — On petition for writ of certiorari to the Court of Appeals of the

438

State of Ohio, ex rel. S. H. Squire, Superintendent of Banks, etc., et al.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert W. Halliday, et al., Petitioners, vs.

439

State of Ohio, ex rel. S. H. Squire, Superintendent of Banks, etc., et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert W. Halliday, et al., Petitioners, vs. State of Ohio. — On petition for writ of certiorari to the Court of Appeals of the

439

State of Ohio, ex rel. S. H. Squire, Superintendent of Banks, etc., et al.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary M. Hunsberger,

Petitioner,

435 vs.

York K. Fischer and Hanna K. Fischer.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mary M. Hunsberger,

Petitioner,

435 vs.

York K. Fischer and Hanna K. Fischer.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. T. Earle,

Petitioner,

440 vs.

Illinois Central Railroad Company and Yazoo & Mississippi Valley Railroad Co.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

C. T. Earle,

Petitioner,

440 vs.

Illinois Central Railroad Company and Yazoo & Mississippi Valley Railroad Co.

On petition for writ of certiorari to the Court of Appeals of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Tennessee, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles O'Keith,

Petitioner,

444 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles O'Keith,

Petitioner,

444 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ex parte Thomas Jordan,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Duquesne Club,

Petitioner,

105 vs.

Henry D. Bell, as Former Acting Collector of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Duquesne Club,

Petitioner,

106 vs.

William D. Driscoll, as Collector of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary Boyd Evans,

Petitioner,

107 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Katharine Boyd Morehead,

Petitioner,

108 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Davidson Transfer and Storage Company, et al.,

Appellants,

113 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nieschlag & Co., Inc.,

Petitioner,

116 vs.

Atlantic Mutual Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mike Gurney, et al.,

Appellants,

128 vs.

J. R. Ferguson, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Yani,

Petitioner,

139 vs.

Herbert A. Smith, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. R. Mason,

Petitioner,

159 vs.

Merced Irrigation District.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cheltenham & Abington Sewerage Company,

Appellant,

160 vs.

Pennsylvania Public Utility Commission, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Milton J. Levine,

Petitioner,

168 vs.

Robert H. Rudspeth, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Southwestern Grayhound Lines, Inc.,

Petitioner,

180 vs.

A. L. Buchanan.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Claud Nivens,

Petitioner,

188 vs.

Robert H. Hudspeth, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. W. Stickle & Company,

Petitioner,

216 vs.

Interstate Commerce Commission.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, andthe same is hereby, denied.

Per Mr. Chief Justice Stone.

James A. Rheinstrom, Executor, etc.,

Petitioner,

239 vs.

Thomas J. Connor, Collector of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

First National Bank, Cincinnati, Ohio, Trustee, etc.,

Petitioner,

240 vs.

Thomas J. Connor, Collector of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Gonzales, et al.,

Petitioners,

276 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Myra Page Wiren,

Petitioner,

294 vs.

Shubert Theatre Corporation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles M. Thomson, as Trustee, etc., et al.,

Petitioners,

301 vs.

Florence G. Hicks, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ida M. Picking, et al.,

Petitioners,

307 vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Len Lacy,

Petitioner,

310 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be. and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Doehler Metal Furniture Co., Inc.,

Petitioner,

340 vs.

Lindsay C. Warren, Comptroller General of the United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Yellow Manufacturing Acceptance Corporation, et al.,

Appellants,

361 vs.

A. H. Stone, Chairman, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carlota Benitez Sampayo,

Petitioner,

115 vs.

The Bank of Nova Scotia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

General Motors Acceptance Corporation, et al.,

Appellants,

280 vs.

Sam Hulbert, as County Assessor, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

The Morris Plan Industrial Bank of New York,

Appellant,

317 vs.

Mark Graves, et al., etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Gordon A. Gantz,

Petitioner,

221 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Gordon A. Gantz,

Petitioner,

221 vs.

The United States of America.

ON CONSIDERATION of the motion to stay execution of the mandate of the Circuit Court of Appeals in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this motion.

Walter McDonald and Otto Barnowski,

Petitioners,

382 vs.

Robert H. Hudspeth, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter McDonald and Otto Barnowski,

Petitioners,

382 vs.

Robert H. Hudspeth, Warden, etc.

ON CONSIDERATION of the "Petition for Court Order" in this case,

IT IS ORDERED by this Court that the said "Petition" be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

H. D. Ryan and Lindsay G. Howard, Trading as Keystone Transfer Company, a Partnership,

Appellants,

519 vs.

Pennsylvania Public Utility Commission.

Appeal from the District Court of the United States for the Middle District of Pennsylvania.

Counsel for the appellee having filed and submitted the following certificate, to wit:

"H. D. Ryan and Lyndsay G. Howard trading as Keystone Transfer Company, a Partnership : No. 781 Civil

vs.

The Pennsylvania Public Utility Commission

I, W. H. Mitchell, Clerk of the above named Court, do hereby certify that on April 20, 1942, the Plaintiffs filed a petition for appeal, injunction pending appeal, and security required; assignment of errors and statement of jurisdiction upon appeal.

On April 30, 1942, Honorable John Biggs, Jr., United States Circuit Judge and Albert L. Watson, United States District Judge, signed an order allowing an appeal, and that the complainants file with this Court a bond unto the Pennsylvania Public Utilities Commission in the sum of One Thousand Dollars ($1,000.00), and that the complainants petition for an injunction against the Pennsylvania Public Utilities Commission to restrain that body from enforcing its order against the complainants, is denied.

Bond on appeal in the sum of One Thousand Dollars ($1,000.00) was filed and approved by the Honorable John Biggs, Jr. United States Circuit Judge and Honorable Albert L. Watson, United States District Judge.

Witness my Hand and the Seal of said Court, at Scranton in the said District, this 10th day of August, A. D. 1942.

(SEAL)

W. H. Mitchell, Clerk

By (sgd) R. G. Lohmann

R. G. Lohmann, Deputy Clerk."

and having filed a motion to docket and dismiss this cause pursuant to the 11th Rule.

And it appearing to the Court that the appellants have failed to have their cause filed and docketed in conformity with the rules of this Court,

It is now here ordered, adjudged and decreed by this Court that this appeal be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Middle District of Pennsylvania to be proceeded in according to law and justice.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

William Schneiderman,

Petitioner,

2 vs.

The United States of America.

Three hours allowed for oral argument.

Argued by Mr. Wendell L. Willkie for the petitioner and by Mr. Solicitor General Fahy for the respondent. Leave granted respondent to file an additional brief.

Harry Pyle,

Petitioner,

vs.

State of Kansas and Milton F. Amrine, Warden, etc.

Argument commenced by Mr. Joseph P. Tumulty, Jr., for the petitioner and continued by Mr. Jay Kyle for the respondents.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, NOVEMBER 10, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harvey D. Jacob, It is ordered that Harry E. Boot, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wall Doxey, It is ordered that Andrew S. Scott, Esquire, of Laurel, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that Thorne Caldwell, Esquire, of Princeton, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence P. Lea, It is ordered that J. Y. Sanders, Jr., Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Craig L. Reddish, It is ordered that Joseph B. Harlacher, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham E. Freedman, It is ordered that Milton M. Borowsky, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Harry Pyle,

Petitioner,

50 vs.

State of Kansas and Milton F. Amrine, Warden, etc.

Argument continued by Mr. Jay Kyle for the respondents and concluded by Mr. Joseph P. Tumulty, Jr., for the petitioner.

C. J. Hendry Company, et al.,

Petitioners,

60 vs.

E. C. Moore, et al., etc.

Argued by Mr. Alfred T. Cluff for the petitioners and by Mr. Everett W. Mattoon and Mr. Eugene M. Elson for the respondents. Leave granted petitioner to file an additional brief within one week.

Emil H. Strassburger,

Petitioner,

66 vs.

Commissioner of Internal Revenue; and

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

22 vs.

R. A. Sprouse.

Argument commenced by Mr. Leo Brady for the petitioner in No. 66 and continued by Mr. Arnold Raum for the Commissioner of Internal Revenue.

THURSDAY, NOVEMBER 12, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James H. Winston, It is ordered that John C. Slade, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Murray Seasongood, It is ordered that Eli Fowler Seebirt, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chauncey W. Reed, It is ordered that Ezra L. D'Isa, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon Simpson, It is ordered that Warren W. Shaw, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guilford Stanley Jameson, It is ordered that Henry A. Mulcahy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold W. Norman, It is ordered that Louis F. Niezer, Esquire, of Fort Wayne, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Emil H. Strassburger,

Petitioner,

66 vs.

Commissioner of Internal Revenue; and

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

22 vs.

R. A. Sprouse.

Argument continued by Mr. Arnold Raum for the Commissioner of Internal Revenue; by Mr. Charles E. McCulloch for the respondent in No. 22; by Mr. Arnold Raum for the Commissioner of Internal Revenue; and concluded by Mr. Leo Brady for the petitioner in No. 66.

Wade Garrett,

Petitioner,

67 vs.

Moore-McCormack Company, Inc., et al.

Argued by Mr. Abraham E. Freedman for the petitioner and by Mr. Rowland C. Evans, Jr., for the respondents.

Adrian Ettelson, et al.,

70 vs.

Metropolitan Life Insurance Company.

Argument commenced by Mr. Conover English for the Metropolitan Life Insurance Company.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, NOVEMBER 13, 1942.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that Alfred H. Featherston, Esquire, of Murfreesboro, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Daniel H. Kunkel, Esquire, of Harrisburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Bartow Strang, It is ordered that Joseph Francis Frassrand, Esquire, of Chattancoga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mortimer R. Irion, It is ordered that Bonner R. Landman, Esquire, of Athens, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Valentine Brookes, It is ordered that Wesley F. Brownton, Esquire, of La Grande, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer Kripke, It is ordered that Theodore L. Thau, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Adrian Ettelson, et al.,

70 vs.

Metropolitan Life Insurance Company.

Argument continued by Mr. Conover English for the Metropolitan Life Insurance Company and concluded by Mr. Arthur T. Vanderbilt for Ettelson, et al.

United Carbon Company, et al.,

Petitioners,

71 vs.

Binney & Smith Company.

Argued by Mr. Hugh M. Morris for the petitioners and by Mr. Dean S. Edmonds for the respondent.

National Labor Relations Board,

Petitioner,

73 vs.

Indiana & Michigan Electric Company, et al.

Argument commenced by Mr. Ernest A. Gross for the petitioner and continued by Mr. Murray Seasongood for the respondents.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John Marshall, It is ordered that John V. Ray, Esquire, of Charleston, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that William Strong, Esquire, of Washington, District of Columbia, and Sidney L. Davis, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. R. McGuire, It is ordered that Adele I. Springer, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hadlond P. Thomas, It is ordered that Edwin J. Skeen, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that David Lederman, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence F. Lea, It is ordered that Laurence J. Kennedy, Esquire, of Redding, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herman P. Eberharter, It is ordered that R. Rhody Brenlove, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold F. McGuire, It is ordered that James M. Carlisle, Esquire, of Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry J. Gerrity, It is ordered that W. Gregory Smith, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Geo. A. Downing, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Pergler, It is ordered that Justinus Gould, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Attorney General Biddle, It is ordered that Archibald MacLeish, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nathan R. Berke, It is ordered that Edwin Yourman, Esquire, of Wilburton, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Henry Anton Pfister,

Petitioner,

26 vs.

Northern Illinois Finance Corporation, Algonquin State Bank, Hartman and Son, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Reed.

Henry Anton Pfister,

Petitioner,

27 vs.

Northern Illinois Finance Corporation, Algonquin State Bank, Hartman and Son, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Reed.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

49 vs.

R. Douglas Stuart.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and for the reasons stated in the opinion of this Court, the decision of the Board of Tax Appeals is affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Separate opinion by Mr. Chief Justice Stone in which Mr. Justice Black and Mr. Justice Douglas join.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

48 vs.

John Stuart.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand to the Board of Tax Appeals for further proceedings as indicated in the opinion of this Court.

Per Mr. Justice Reed.

Separate opinion by Mr. Chief Justice Stone in which Mr. Justice Black and Mr. Justice Douglas join.

State Bank of Hardinsburg,
Petitioner,
vs.
Chancey Ray Brown and Mary G. Brown.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

23

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs and that of the District Court is affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black and Mr. Justice Douglas join.

Mary M. Hughes,
Appellant,
vs.
John W. Wendel, County Treasurer of Butler County, Ohio, et al.

Appeal from the Supreme Court of the State of Ohio.

176

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

The Chief Justice announced the following order of the Court:

- - - - - - - - - - - - -

H. H. Beckman, et al., Appellants, vs. E. J. Mall, Fred J. Hartner, John H. Mugler, et al. — Appeal from the District Court of the United States for the District of Kansas.

134

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Kansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs on the authority of Wickard v. Filburn, No. 59, decided November 9, 1942, without consideration of the grounds relied upon by the Court below for dismissing the bill.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - - -

Ex parte Fred Steffler, Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Eugene Weil,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein and the return to the rule to show cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied as moot, it appearing that the petitioner is no longer in respondent's custody.

AND IT IS FURTHER ORDERED that the rule to show cause be, and the same is hereby, discharged.

Per Mr. Chief Justice Stone.

Jerome Parker Jerome,

Petitioner,

325 vs.

The United States of America.

It is ordered that John T. Sapienza, Esquire, of Washington, D. C., a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

Per Mr. Chief Justice Stone.

The Washington Terminal Company,

Petitioner,

28 vs.

F. E. Boswell, E. R. Burkhead, et al.

This cause is restored to the docket for reargument. On the reargument counsel are requested to include in their briefs and oral argument a discussion of the following questions:

1. Whether either party to a dispute over which the Adjustment Board has authority is precluded from seeking a determination of the dispute by the courts, either before or after submission of the dispute to the Board;

2. Whether the Board may make an award ex parte if one party to the dispute does not appear before the Board, and if so the effect given by the statute to such an award;

3. The effect of the expiration of the two-year period specified by Section 3 First (q) upon the right of either party to the dispute to obtain a determination of it in the courts;

4. The effect of the words "final and conclusive" in Section 3 First (m) upon the right to resort to the courts and upon the scope of judicial review, (a) during the two-year period, and (b) after expiration of the two-year period.

The Solicitor General is requested to file a brief, and, if he so desires, to participate in the oral argument.

Per Mr. Chief Justice Stone.

William H. Dunn, Jr., et al.,
Appellants,
77 vs.
The State of Ohio.

ON CONSIDERATION of the motion for leave to proceed on a typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Marshall Field & Company,
Petitioner,
453 . vs.
National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

National Labor Relations Board, Petitioner,

460 vs.

Southern Bell Telephone and Telegraph Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

National Labor Relations Board, Petitioner,

461 vs.

Southern Association of Bell Telephone Employees.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

George Sylvester Viereck, Petitioner,

458 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, except with respect to the first question presented by the petition.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Maricopa County, Arizona, W. H. Linville, as County Treasurer and Ex-Officio Tax Collector of Maricopa County, et al.,

Petitioners,

449 vs.

The Valley National Bank of Phoenix.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. Counsel are asked to discuss in their briefs and on the oral argument the question whether petitioners, who are counties, are within the constitutional protection which they assert.

In view of the Act of August 24, 1937, 28 U.S.C. section 401, the Court hereby certifies to the Attorney General of the United States that the constitutionality of the Act of March 20, 1936, as applied, is drawn in question in this case.

IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Norman Baker,

Petitioner,

451 vs.

Walter A. Hunter, Successor to Robert H. Hudspeth, as Warden of the United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Air Reduction Company, Incorporated,

Petitioner,

456 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Westinghouse Electric & Manufacturing Company,

Petitioner,

457 vs.

Crosley Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Pedro Aguilar,

Petitioner,

454 vs.

Standard Oil Company of New Jersey.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Winston Posey,

Petitioner,

445 vs.

State of Indiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Winston Posey,

Petitioner,

445 vs.

State of Indiana.

On petition for writ of certiorari to the Criminal Court, Lake County, State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Criminal Court, Lake County, State of Indiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Schultz,

Petitioner,

6 vs.

Robert H. Hudspeth, Warden,
United States Penitentiary,
Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Schultz,

Petitioner,

6 vs.

Robert H. Hudspeth, Warden,
United States Penitentiary,
Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

In re Disbarment of Paysoff Tinkoff.

—

ON CONSIDERATION of the motion to vacate the order of disbarment herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank Contardi,

Petitioner,

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Abraham, et al., Trustees, etc.,

Petitioners,

137 vs.

Hidalgo County Water Control and Improvement District No. 1, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Alfred Cookman Miner, Individually, etc.,

Petitioner,

306 vs.

Reconstruction Finance Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clarence J. Thompson,

Petitioner,

343 vs.

The State of Georgia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest Newton Kalb,

Petitioner,

347 vs.

Yellow Manufacturing Acceptance Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gerald G. Barry and Georgiana G. Barry,

Petitioners,

393 vs.

Chrysler Corporation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of

O R D E R

The Court will take a recess from Monday, November 23, next, until Monday, December 7.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

National Labor Relations Board,

Petitioner,

73 vs.

Indiana & Michigan Electric Company, et al.

Argument concluded by Mr. Eli F. Seebirt for the respondent.

The United States of America,

Appellant,

81 vs.

The Wayne Pump Company, et al.; and

The United States of America,

Appellant,

82 vs.

The Wayne Pump Company, et al.

Argued by Mr. Assistant Attorney General Arnold for the appellant; by Mr. Edward R. Johnston for appellee, The Wayne Pump Co., et al.; by Mr. James H. Winston for appellee, Gilbert and Barker Mfg. Co., et al; and by Mr. Harold F. McGuire for appellees, Veeder-Root, Inc., et al.

J. Buckner Fisher, Receiver, etc.,

Petitioner,

85 vs.

Louise Whiton, Executrix, etc., et al.

Argument commenced by Mr. John F. Anderson for the petitioner; continued by Mr. Joe Frassrand for the respondents; and concluded by Mr. S. Bartow Strang for the petitioner.

The United States of America,

Petitioner,

78 vs.

Victor N. Miller, also known as
Vic Miller, et al.

Argument commenced by Mr. Assistant Attorney General Littell for the petitioner.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, NOVEMBER 17, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that G. H. Bucey, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Walter H. Flaherty, Esquire, of Elizabeth, State of New Jersey; Frank Cohn, Esquire, of Elizabeth, State of New Jersey; Joseph A. Porter, Esquire, of Elizabeth, State of New Jersey; Saul Lehr, Esquire, of Elizabeth, State of New Jersey; and Phidias L. Pollis, Esquire, of Elizabeth, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. O'Brien, It is ordered that Nicholas Salowich, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Granville Curry, It is ordered that Frank Eby Coho, Esquire, of Lancaster, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. B. H. Lyon, It is ordered that Otto Kinzel, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that Homer R. Miller, Esquire, of Kokomo, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Thomas J. Blake, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The United States of America,

Petitioner,

78 vs.

Victor N. Miller, Also Known as Vic Miller, et al.

Argument continued by Mr. Assistant Attorney General Littell for the petitioner and concluded by Mr. Laurence J. Kennedy for the respondents.

Walter L. Mangus and Rose L. Mangus,

Petitioners,

74 vs.

Matthew A. Miller.

Motion to dismiss submitted by Mr. Edwin J. Skeen for the petitioners.

Walter L. Mangus and Rose L. Mangus,

Petitioners,

74 vs.

Matthew A. Miller.

Argued by Mr. Edwin J. Skeen for the petitioners and by Mr. Hadlond P. Thomas for the respondent.

William A. Adams, Warden, etc., et al.,

Petitioners,

79 vs.

The United States of America, ex rel. Gene McCann.

Argument commenced by Mr. Solicitor General Fahy for the petitioners and continued by Mr. Robert G. Page for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, NOVEMBER 18, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that Robert T. Mautz, Esquire, of Portland, State of Oregon; and Wm. P. Lord, Esquire, of Portland, State of Oregon, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert G. Page, It is ordered that Edw. S. Franklin, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Tucker, Jr., It is ordered that Paul M. Hebert, Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron C. Cramer, It is ordered that John W. Kelley, Esquire, of Rhinelander, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Brosnahan, It is ordered that Edgar Sansom Bayol, Esquire, of Alexandria, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Edward B. Perry, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard C. Westwood, It is ordered that Charles M. Davison, Jr., Esquire, of Alexandria, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton I. Baldinger, It is ordered that Maurice A. Frank, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that Harry Lehrer, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh H. Obear, It is ordered that William Edward O'Herin, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

William A. Adams, Warden, etc., et al.,

Petitioners,

79 vs.

The United States of America, ex rel. Gene McCann.

Argument continued by Mr. Robert G. Page for the respondent and concluded by Mr. Solicitor General Fahy for the petitioners.

Jessie William Miller,

Petitioner,

76 vs.

The United States of America.

Argued by Mr. Howard C. Westwood for the petitioner and by Mr. Archibald Cox for the respondent.

Opal Saxton Davis,

Petitioner,

86 vs.

Department of Labor and Industries of the State of Washington.

Argued by Mr. Alfred J. Schweppe for the petitioner and by Mr. Edward S. Franklin for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George H. Rosen, It is ordered that Nathan H. Goldstein, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Houston, It is ordered that William S. Jackson, Esquire, of Savannah, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Mother Lode Coalition Mines Company,

Petitioner,

94 vs.

Commissioner of Internal Revenue.

Argued by Mr. Paul E. Shorb for the petitioner and by Mr. Valentine Brookes for the respondent.

Wm. A. Marshall, Deputy Commissioner, etc., et al.,

Petitioners,

93 vs.

G. Pletz.

Argued by Mr. Robert T. Mautz for the petitioners and by Mr. William P. Lord for the respondent.

Ansel Higgins,

Petitioner,

97 vs.

Carr Brothers Company.

Argued by Mr. Edward B. Perry for the petitioner and case submitted by Mr. Clement F. Robinson and Mr. Francis W. Sullivan for the respondent.

L. Metcalfe Walling, Administrator, etc.,

Petitioner,

336 vs.

Jacksonville Paper Company.

Argument commenced by Mr. Robert L. Stern for the petitioner and continued by Mr. Louis Kurz for the respondent.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Agnes A. Neuville, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Joseph Sherbow, It is ordered that Philip S. Ball, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon Simpson, It is ordered that R. C. Kunkel, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert J. Jacobi, It is ordered that Leon Finley, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Russell Shetterly, It is ordered that Jack H. Shepherd, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Gregory Smith, It is ordered that Roswell P. C. May, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Selvie Winfield Wells,

Petitioner,

11, Original, vs.

The United States of America.

O R D E R

It is ordered that Henry J. Friendly, Esquire, of New York City, a member of the bar of this Court, be appointed to serve as counsel for the petitioner in this case.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

L. Metcalfe Walling, Administrator, etc.,

Petitioner,

336 vs.

Jacksonville Paper Company.

Argument concluded by Mr. Louis Kurz for the respondent.

Endicott Johnson Corporation, et al.,

Petitioners,

142 vs.

Frances Perkins, Secretary of Labor of the United States.

Argued by Mr. Howard A. Swartwood for the petitioners and by Mr. Paul Freund for the respondent.

G. F. Albin,

Petitioner,

234 vs.

Cowing Pressure Relieving Joint Company, etc., et al.

Submitted by Mr. Lewis E. Pennish for the petitioner and by Mr. Charles Aaron for the respondents.

Clyde-Mallory Lines,

Petitioner,

265 vs.

Steamship "Englantine" and The United States of America.

Argued by Mr. Chauncey I. Clark for the petitioner and by Mr. Sidney J. Kaplan for the respondents.

Leave granted petitioner to file a reply brief by Wednesday next.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, November 23, next, at 12 o'clock.

MONDAY, NOVEMBER 23, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices,
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Irl D. Brett, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Abraham S. Ullman, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Royal E. Jackson, It is ordered that Charles W. Miles, III, Esquire, of Union City, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Hilton Jackson, It is ordered that John Bowman Gunion, Esquire, of Washington, District of Columbia; and John Wingfield Jackson, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey J. Gunderson, It is ordered that Lee H. Cope, Esquire, of Yankton, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. F. Prescott, Jr., It is ordered that John H. Hughes, Esquire, of Syracuse, State of New York; and Willis H. Michell, Esquire, of Syracuse, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth F. Montgomery, It is ordered that Francis P. Linneman, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - - -

The Maccabees, a Corporation, Petitioner,	On petition for writ of certiorari
96 vs.	to the United States Circuit Court
City of North Chicago, a Municipal Corporation, et al.	of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion by counsel for the petitioner to withdraw the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the petition for writ of certiorari in this case, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

The City of North Chicago,
et al.,

Petitioners,

75 vs.

The Maccabees, a Corporation,
et al.

ON CONSIDERATION of the motion of The Maccabees to withdraw all papers previously filed on their behalf in the above entitled case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that all motions made by Arvid B. Tanner on his own behalf be, and they are hereby, denied.

Per Mr. Chief Justice Stone.

The City of North Chicago,
et al.,

Petitioners,

75 vs.

The Maccabees, a Corporation,
et al.; and

The Maccabees, a Corporation,

Petitioner,

96 vs.

City of North Chicago, a Municipal Corporation, et al.

ON CONSIDERATION of the motion to substitute Edward J. Jeffries, Jr., and David A. Hersh as counsel for The Maccabees in these cases in place of Arvid B. Tanner,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the appearance of Arvid B. Tanner is withdrawn.

Per Mr. Chief Justice Stone.

In re:

Edward H. Coulter.

O R D E R

A rule is ordered to issue returnable on Thursday, December 10, 1942, requiring Edward H. Coulter, of Little Rock, Arkansas, a member of the Bar of this Court, to show cause why he should not be disbarred for conduct unbecoming a member of the Bar of this Court.

Per Mr. Chief Justice Stone.

In re:

Frank C. Sibley.

O R D E R

A rule is ordered to issue returnable on Thursday, December 10, 1942, requiring Frank C. Sibley, of Detroit, Michigan, a member of the Bar of this Court, to show cause why he should not be disbarred for conduct unbecoming a member of the Bar of this Court.

Per Mr. Chief Justice Stone.

A. F. Levy,

Appellant,

---

vs.

Edna L. Sturgeon.

ON CONSIDERATION of the application for an appeal submitted in this cause,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur S. Humes,

Petitioner,

—— vs.

Leavenworth County Local Selective Service Board, No. 1, etc.

ON CONSIDERATION of the application for an injunction in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Robert E. Peyton,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Wilfred Hill Castleman,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Cecil Wright,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte Cecil Wright,

Petitioner.

—, Original.

On motion for leave to file petition for writ of certiorari to the District Court of the United States for the Eastern District of Illinois.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

467 vs.

Sylvie R. Griffiths.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. The case is transferred to the summary docket and assigned for argument on Monday, December 7th next.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

William H. Bickley, Individually and Doing Business as Bickley's Auto Express,

Petitioner,

427 vs.

Pennsylvania Public Utility Commission.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William T. Bradford and Ben F. Bradford,

Petitioners,

455 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Philip Harry Koolish and Sara Allen Koolish, Individually and Trading as Standard Distributing Company,

Petitioners,

462 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Chicago Junction Railroad Company,

Petitioner,

465 vs.

A. A. Sprague, Bernard J. Fallon, Trustees of the Estate of the Chicago Rapid Transit Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ex parte Cecil Wright,

Petitioner.

—, Original.

On motion for leave to file petition for writ of certiorari to the District Court of the United States for the Eastern District of Illinois.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

467 vs.

Sylvie R. Griffiths.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. The case is transferred to the summary docket and assigned for argument on Monday, December 7th next.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

William H. Bickley, Individually and Doing Business as Bickley's Auto Express,

Petitioner,

427 vs.

Pennsylvania Public Utility Commission.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William T. Bradford and Ben F. Bradford,

Petitioners,

455 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Philip Harry Koolish and Sara Allen Koolish, Individually and Trading as Standard Distributing Company,

Petitioners,

462 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Chicago Junction Railroad Company,

Petitioner,

465 vs.

A. A. Sprague, Bernard J. Fallon, Trustees of the Estate of the Chicago Rapid Transit Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

General American Life Insurance Company,

Petitioner,

469 vs.

Mercy Brown Stephens.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The United States,

Petitioner,

65 vs.

Callahan Walker Construction Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Porter, by His Executors, et al.,

Petitioners,

378 vs.

Barclay Cooke, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wyatt D. Shultz, et al., etc.,

Petitioners,

404 vs.

Manufacturers and Traders Trust Company, Individually, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Erwin Howell and Raymond Earl Gutermuth,

Petitioners,

412 vs.

Royden O. Couch, Doing Business as Couch Manufacturing Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Beland,

Petitioner,

416 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, December 7, at 12 o'clock.

MONDAY, DECEMBER 7, 1942.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Howard D. Bradley, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Gilmore Feely, It is ordered that R. E. Kleinschmidt, Esquire, of Hillsboro, State of Missouri, and Arthur E. Simpson, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that E. John Ernst, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. M. Briggs, It is ordered that Alton David Shaw, Esquire, of Blackwell, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon Dean, It is ordered that Arthur T. Gorman, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander G. Brown, It is ordered that John B. Seabrook, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Y. Pashgian, It is ordered that Ernest R. Mortenson, Esquire, of Mount Ranier, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sylvanus Rhyne, It is ordered that John J. Kintzinger, Esquire, of Dubuque, State of Iowa, and John H. Witherspoon, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. McInnis, It is ordered that Edward S. Reid, Jr., Esquire, of Detroit, State of Michigan, and Emmett E. Eagan, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that Norman H. Nachman, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Foley, It is ordered that James L. Homire, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Archibald Cox, It is ordered that Peter Shuebruk, Esquire, of Hingham, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Catherine F. Dolan, It is ordered that Helen V. Dolan, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Allin H. Pierce, It is ordered that Roland L. Redmond, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

United Carbon Company and United Carbon Company, Inc.,

Petitioners,

71 vs.

Binney & Smith Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of West Virginia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Harry Pyle,

Petitioner,

50 vs.

State of Kansas and Milton P. Amrine, Warden, Kansas State Penitentiary.

On writ of certiorari to the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Murphy.

J. Buckner Fisher, Receiver of the First National Bank of Chattanooga, Tennessee,

Petitioner,

85 vs.

Louise Whiton, Executrix of the Estate of Annie R. Nottingham, Deceased, et al.

On writ of certiorari to the Court of Appeals of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Murphy.

Mother Lode Coalition Mines Company,

Petitioner,

94 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

G. F. Albin,

Petitioner,

234 vs.

Cowing Pressure Relieving Joint Company, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

The United States of America, Appellant, vs. The Wayne Pump Company, Gilbert and Barker Manufacturing Company, Tokheim Oil Tank and Pump Company, et al. — Appeal from the District Court of the United States for the Northern District of Illinois.

81

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered by this Court that the appeal in this cause be, and the same is hereby, dismissed.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy.

The United States of America, Appellant, vs. The Wayne Pump Company, Gilbert and Barker Manufacturing Company, Tokheim Oil Tank and Pump Company, et al. — Appeal from the District Court of the United States for the Northern District of Illinois.

82

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered by this Court that the appeal in this cause be, and the same is hereby, dismissed.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy.

Adrian Ettelson, Joseph A. Peder, Jack Rinzler, et al.,

70 vs.

Metropolitan Life Insurance Company.

On a certificate from the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on a certificate from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is the opinion of this Court that the question certified must be answered "Yes".

WHEREUPON, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Roberts.

Jessie William Miller, Petitioner,

76 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court as follows: This cause is remanded to the Circuit Court of Appeals in order that it may enter an order permitting the settlement of a bill of exceptions in the District Court to present the point urged by petitioner. Upon the entry of such an order it will be the duty of counsel for petitioner to present a bill made up from the best sources available. It will then become the duty of the district judge to assist in amplifying, correcting, and perfecting this bill from such sources, and to settle the same in order to present the evidence given at the trial. From such a bill the Circuit Court of Appeals will no doubt be able to decide whether there was evidence to sustain petitioner's conviction.

Per Mr. Justice Roberts.

Sola Electric Company,
Petitioner,
45 vs.
Jefferson Electric Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Walter L. Mangus and Rose L. Mangus,
Petitioners,
74 vs.
Matthew A. Miller.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah with directions to proceed with the administration of the estate of Walter L. Mangus in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - - - -

James Donovan, Appellant, vs. John W. Turner, Virgil T. Seaberry and Carl P. Springer, Co-partners, etc.

510

Appeal from the District Court of Appeal of the State of California, 2nd Appellate District.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of Appeal of the State of California, 2nd Appellate District, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

James Donovan, Appellant, vs. John W. Turner, Virgil T. Seaberry and Carl P. Springer, Co-partners, etc.

510

Appeal from the District Court of Appeal of the State of California, 2nd Appellate District.

TREATING the appeal papers herein from the District Court of Appeal of the State of California, 2nd Appellate District, as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, it is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles F. Williams, E. Busby and Abraham Estrada,

Appellants,

492 vs.

Allen Miller and Gilbert D. Ferrell, as District Attorney of the County of San Mateo, State of California.

Appeal from the District Court of the United States for the Northern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court dismissing the bill of complaint in this cause be, and the same is hereby, affirmed with costs on the ground that the bill does not allege facts which would warrant the granting of equitable relief by a federal court to restrain enforcement of the state statute.

Per Mr. Chief Justice Stone.

F. J. Williams, William Bishop, Paul M. Carter, et al.,

Petitioners,

446 vs.

The Delaware and Hudson Railroad Corporation, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

F. J. Williams, William Bishop, Paul M. Carter, et al.,

Petitioners,

446 vs.

The Delaware and Hudson Railroad Corporation, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh

Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the District Court, in this cause, be, and the same are hereby, vacated, without consideration on the merits, each party to pay his or its own costs in this Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for such further proceedings as may be appropriate.

Per Mr. Chief Justice Stone.

F. J. Williams, William Bishop, Paul M. Carter, et al.,

Petitioners,

447 vs.

The Delaware and Hudson Railroad Corporation, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

F. J. Williams, William Bishop, Paul M. Carter, et al.,

Petitioners,

447 vs.

The Delaware and Hudson Railroad Corporation, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the District Court, in this cause, be, and the same are hereby, vacated without consideration on the merits, each party to pay his or its own costs in this Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for such further proceedings as may be appropriate.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - - -

Ex parte Ethel Pitt Donnell,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Thomas Merryl Wofford,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jersey Central Power & Light Company,

Petitioner,

299 vs.

Federal Power Commission.

ON CONSIDERATION of the motion of John E. Benton for leave to appear and present oral argument on behalf of The National Association of Railroad and Utilities Commissioners as amicus curiae,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wade Garrett,

Petitioner,

67 vs.

Moore-McCormack Company, Inc., et al.

ON CONSIDERATION of the motion of counsel for respondent for leave to file a reply brief in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John W. Noble, Doing Business as Noble Transit Company,

Appellant,

511 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

L. T. Barringer and Company,

Appellant,

520 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

529 vs.

Swift & Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

514 vs.

French Bauer, Inc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court and of the motions to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

488 vs.

Chicago Stock Yards Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Clearfield Trust Company, a Corporation and J. C. Penney Company, a Corporation, — Order allowing certiorari.

Petitioners,

490 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

A. M. Anderson, Receiver of National Bank of Kentucky, of Louisville, — Order allowing certiorari.

Petitioner,

497 vs.

Katherine Kirkpatrick Abbott, Administratrix with the Will Annexed of the Estate of David J. Abbott, Deceased, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Meta Biddle Robinette, Petitioner,

499 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. The case is transferred to the summary docket and assigned for argument immediately following No. 429, Smith vs. Shaughnessy, Collector of Internal Revenue, etc.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Elise Biddle Paumgarten, Petitioner,

500 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. The case is transferred to the summary docket and assigned for argument immediately following Nos. 429 and 499.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Paloma Estates, Inc., Petitioner,

89 vs.

Series C-2 Trustees and Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Rachel Mayer, et al., as Trustees Under the Last Will and Testament of Levy Mayer, Deceased,

Petitioners,

470 vs.

Mabel G. Reinecke, as Collector of Internal Revenue in and for the First Internal Revenue District of Illinois.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edward L. Scheufler, Superintendent of the Insurance Department of the State of Missouri,

Petitioner,

493 vs.

Central Surety and Insurance Corporation and R. E. O'Malley.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Philadelphia Coke Company, Petitioner, vs. Commissioner of Internal Revenue. 502

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Rau Construction Company, Petitioner, vs. Phillips Petroleum Company. 503

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Clover Splint Coal Co., Inc., Petitioner, vs. Commissioner of Internal Revenue. 472

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Helen Sears Bradley, et al., Petitioners,

474 vs.

William M. Welch, Former Collector.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Areff Samara, Petitioner,

489 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

City of Dubuque Bridge Commission, Petitioner,

501 vs.

Board of Review for the City of Dubuque, Julien Township, Dubuque County, Iowa.

On petition for writ of certiorari to the Supreme Court of the State of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Iowa, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paper Container Mfg. Company,
Petitioner,
505 vs.
Dixie-Vortex Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Vim Securities Corporation,
Petitioner,
508 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

George Van Wormer,
Petitioner,
509 vs.
The Champion Paper & Fibre Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Sears, Roebuck and Co., a Corporation,

Petitioner,

471 vs.

Lillian M. Hoyt and Ezra H. Hoyt, Jr.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Nevada Consolidated Copper Corporation, Nevada Northern Railway Company, et al.,

Petitioners,

478 vs.

Railroad Retirement Board, Railway Labor Executives Association, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Utah Copper Company, Bingham and Garfield Railway Company, et al.,

Petitioners,

vs.

479

Railroad Retirement Board, Railway Labor Executives Association, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

American Insurance Company, et al.,

Petitioners,

vs.

476

Edward L. Scheufler (Successor), Superintendent of the Insurance Department of the State of Missouri, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Murphy took no part in the consideration or decision of this application.

Robert G. Ewald, Petitioner,
504 vs.
The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Standard Oil Company (Indiana), Petitioner,
512 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Maceo Thomas, Petitioner,
532 vs.
State of Kansas.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

The People of the State of Illinois, ex rel. Frank Parker,

Petitioner,

539 vs.

Thomas J. O'Brien, Sheriff of Cook County.

ON CONSIDERATION of the application for bail in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of Illinois, ex rel. Frank Parker,

Petitioner,

539 vs.

Thomas J. O'Brien, Sheriff of Cook County.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hiram R. Edwards,

Petitioner,

561 vs.

The United States of America.

ON CONSIDERATION of the application for bail in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Hiram R. Edwards,
Petitioner,
561 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Daisy C. Tegtmeyer,
Petitioner,
477 vs.
William H. Tegtmeyer, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Daisy C. Tegtmeyer,
Petitioner,
477 vs.
William H. Tegtmeyer, et al.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ernest Norman Webster, Sr.,
Administrator of the Estate of
Ernest Norman Webster, Jr., Deceased,

Petitioner,

513 vs.

Druid A. Clodfelter, Trading as
Clodfelter's Service Station.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ernest Norman Webster, Sr.,
Administrator of the Estate of
Ernest Norman Webster, Jr., Deceased,

Petitioner,

513 vs.

Druid A. Clodfelter, Trading as
Clodfelter's Service Station.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Vivian Wycliff Buie,

Petitioner,

459 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Vivian Wycliff Buie,

Petitioner,

459 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Marine Harbor Properties, Inc.,

Petitioner,

24 vs.

Manufacturer's Trust Company (Successor by merger to the Mortgage Corporation of New York), as Trustee, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Corinne C. Waterman,

Petitioner,

226 vs.

Colonel Somervell, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

People of the State of California,
on the Relation of Charles J.
McColgan, as State Franchise Tax
Commissioner,

Petitioner,

413 vs.

John Howard Bruce.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. T. Poindexter & Sons Merchandise Company,

Petitioner,

431 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Terminal Railroad Association,

Petitioner,

433 vs.

Julia C. Miller, Administratrix,
etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary M. Hunsberger,

Petitioner,

435 vs.

York K. Fischer and Hanna K. Fischer.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles O'Keith,

Petitioner,

444 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

467 vs.

Sylvie R. Griffiths.

Argued by Mr. Arnold Raum for the petitioner and by Mr. Roland L. Redmond for the respondent.

The Choctaw Nation of Indians,

Petitioner,

80 vs.

The United States and The Chickasaw Nation of Indians.

Argument commenced by Mr. Robert E. Mulroney for respondent, The United States; and continued by Mr. William G. Stigler for the petitioner and by Mr. Melven Cornish for respondent, The Chickasaw Nation.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, DECEMBER 8, 1942.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Joseph Merrick Jones, It is ordered that R. Emmett Kerrigan, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Frank Connell, Esquire, of Dallas, State of Texas, and Albert Boggess, Esquire, of Waco, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene B. Strassburger, It is ordered that Morris P. Greenberg, Esquire, of New York, State of New York, and John B. Nicklas, Jr., Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss Helen Rembert Carloss, It is ordered that William E. Dowling, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Witherspoon, It is ordered that Daniel J. O'Hara, Esquire, of Lansing, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Rhodes, It is ordered that Robert R. McWhirney, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles W. Miles, III, It is ordered that Gordon K. MacIntosh, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene C. Taylor, It is ordered that Roy Eilers, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John G. Madden, It is ordered that James E. Burke, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allan R. Rosenberg, It is ordered that Paul L. Weiden, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Cohen, It is ordered that Wm. H. DeParcq, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Greaney, It is ordered that Clifford R. Curtner, Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The Choctaw Nation of Indians,

Petitioner,

80 vs.

The United States and The Chickasaw Nation of Indians.

Argument continued by Mr. Melven Cornish for respondent, The Chickasaw Nation, and concluded by Mr. Robert E. Mulroney for respondent, The United States.

Leave granted respondent, The Chickasaw Nation, to file additional brief by Friday next.

The Public Utilities Commission of Ohio, et al.,

Appellants,

87 vs.

United Fuel Gas Company.

Argued by Mr. Kenneth L. Sater for the appellants and by Mr. Harold A. Ritz for the appellee.

Carter H. Harrison, Individually, etc.,

Petitioner,

103 vs.

The Northern Trust Company and Mary E. Kaufman, Executors, etc.

Argued by Miss Helen R. Carloss for the petitioner and by Mr. Alexander P. Reichmann for the respondents.

Norvel H. Lilly,

Petitioner,

124 vs.

Grand Trunk Western Railroad Company.

Argument commenced by Mr. William H. DeParcq for the petitioner.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, DECEMBER 9, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that Stanley S. Gilbert, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Hart McKillop, Esquire, of Winter Haven, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. May, It is ordered that Joseph I. King, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Michael H. Cardozo, IV, It is ordered that Vincent J. Malone, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert G. Pillen, It is ordered that Merle Milton Calvert, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul M. Segal, It is ordered that George S. Smith, Esquire, of Van Wert, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

State Bank of Hardinsburg,

Petitioner,

23 vs.

Chancey Ray Brown and Mary G. Brown.

ON CONSIDERATION of the motion of counsel for respondents to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including December 31, 1942.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

Norvel H. Lilly,

Petitioner,

124 vs.

Grand Trunk Western Railroad Company.

Argument continued by Mr. William H. DeParcq for the petitioner; by Mr. Harold A. Smith for the respondents; and concluded by Mr. William H. DeParcq for the petitioner.

The United States of America,

Petitioner,

171 vs.

Oklahoma Gas & Electric Company.

Argued by Mr. Valentine Brookes for the petitioner and by Mr. Streeter B. Flynn for the respondent.

The Detroit Bank, formerly The Detroit Savings Bank, etc.,

Petitioner,

156 vs.

The United States of America; and

State of Michigan, John J. O'Hara, Auditor General, etc., et al.,

Petitioners,

214 vs.

The United States of America.

Argument commenced by Mr. Edward S. Reid, Jr., for the petitioner in No. 156; continued by Mr. John H. Witherspoon for the petitioners in No. 214; and by Mr. J. Louis Monarch for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert Whipple Wilson, It is ordered that Francis Stirling Wilson, Esquire, of Chevy Chase, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Milford Springer, It is ordered that William Katz, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nelson T. Hartson, It is ordered that Philip J. Hennessey, Jr., Esquire, of Washington, District of Columbia, and Karl A. Smith, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry A. Hirshberg, It is ordered that George F. Sieker, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William T. Thurman, It is ordered that Charles Pye Burnett, Jr., Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

The Detroit Bank, formerly The Detroit Savings Bank, a Michigan Banking Corporation,

Petitioner,

156 vs.

The United States of America; and

State of Michigan, John J. O'Hara, Auditor General, etc., et al.,

Petitioners,

214 vs.

The United States of America.

Argument concluded by Mr. Emmett E. Eagan for the petitioner in No. 156.

Minnie Reese Richardson Wragg,

Petitioner,

172 vs.

Federal Land Bank of New Orleans.

Argued by Mr. Jack Crenshaw for the petitioner and by Mr. Thomas H. Hedgepeth for the respondent. Leave granted petitioner to file a reply brief by December 16 with leave to the respondent to file an answering brief thereafter.

The United States of America, ex rel. Morris L. Marcus, et al., etc.,

Petitioners,

173 vs.

William F. Hess, et al.

Argument commenced by Mr. William Stanley for the petitioners; continued by Mr. William H. Eckert and Mr. Eugene B. Strassburger for the

respondents; and concluded by Mr. Charles J. Margiotti for the petitioners.

Leave granted the United States to file a supplemental brief as amicus curiae.

The United States of America,
on relation of Samuel Ostrager,
et al.. etc.,

Petitioners,

236 vs.

New Orleans Chapter, Associated
General Contractors of America, Inc., et al.

Argument commenced by Mr. William Katz for the petitioners and continued by Mr. R. Emmett Kerrigan for the respondents.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Percy H. Russell, Jr., It is ordered that A. L. Hodson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John G. Madden, It is ordered that Ralph M. Russell, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that Frank Flournoy Roberson, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Mary M. Hughes,

Appellant,

176 vs.

John W. Wendel, County Treasurer of Butler County, Ohio, et al.

ON CONSIDERATION of the motion of counsel for appellant to stay the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the mandate is stayed pending disposition of a petition for rehearing.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The United States of America, on relation of Samuel Ostrager, et al., etc.,

Petitioners,

236 vs.

New Orleans Chapter, Associated General Contractors of America, Inc., et al.

Argument continued by Mr. R. Emmett Kerrigan for the respondents and concluded by Mr. William Katz for the petitioners.

Henry A. Kieselbach and Olga M. Kieselbach,

Petitioners,

184 vs.

Commissioner of Internal Revenue.

Argued by Mr. Harry Friedman for the petitioners and by Mr. Arnold Raum for the respondent.

American Medical Association, a Corporation,

Petitioner,

201 vs.

The United States of America; and

The Medical Society of The District of Columbia, a Corporation,

Petitioner,

202 vs.

The United States of America.

Three hours allowed for oral argument.

Argument commenced by Mr. Seth W. Richardson for the petitioners and continued by Mr. John Henry Lewin for the respondent.

- - - - - - - - - - - -

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Joseph C. Duggan, Esquire, of New Bedford, State of Massachusetts, and William Creighton Wines, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Hogsett, It is ordered that Richard K. Phelps, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. D. Millikin, It is ordered that James W. Booth, Esquire, of Pueblo, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Dillon, It is ordered that Irving R. Church, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James V. Hayes, It is ordered that Thomas A. Reynolds, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ottamar Hamele, It is ordered that John W. Edwards, Esquire, of Poultney, State of Vermont, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward G. Kemp, It is ordered that Francis A. Nolan, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Norris Darrell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Wade Garrett, Petitioner, vs. Moore-McCormack Company, Inc., and American Scantic Line.

67

On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Opal Saxton Davis,

Petitioner,

86 vs.

Department of Labor and Industries of the State of Washington.

On writ of certiorari to the Supreme Court of the State of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Frankfurter.

Separate opinion by Mr. Chief Justice Stone.

Howard M. Sharpe,

Petitioner,

525 vs.

W. Jess Buchanan, Warden, Kentucky State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Howard M. Sharpe,

Petitioner,

525 vs.

W. Jess Buchanan, Warden, Kentucky State Penitentiary.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Howard M. Sharpe,
Petitioner,
525 vs.
W. Jess Buchanan, Warden, Kentucky State Penitentiary.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated without costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for such further proceedings as it may deem appropriate.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice announced the following order of the Court:

- - - - - - - - - - - -

William Roddenberry,
Appellant,
537 vs.
State of Florida.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Roddenberry,
Appellant,
vs.
State of Florida.

Appeal from the Supreme Court of the State of Florida.

537

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Ex parte Henry E. Terrell,
Petitioner.

ON CONSIDERATION of the motion to set aside the judgment of the trial court submitted by Henry E. Terrell,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Cecil Wright,
Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Karl Kive Greenfield,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Orville Chester Garrison,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jessie William Miller,

Petitioner,

76 vs.

The United States of America.

IT IS ORDERED that the opinion filed December 7, 1942, be amended as follows:

Page 3, line 4, insert a period after the word "transcribed" and strike out the balance of line 4 and all of lines 5, 6, 7 and 8, beginning with the word "that" and ending with the word "Exceptions".

Page 5, line 3. After "4. As we have said" strike out the balance of line 3, and all of lines 4, 5, 6, 7, 8, as well as the first six words on line 9, beginning with the words "a stenographer" and ending with the word "addition".

Page 5, last paragraph, 6th line from bottom of page. Strike out sentence beginning with the word "We" and ending with the word "foreclosed". On the same page, 4th line from bottom, strike out the words "so"

and "rule" and insert between the words "to" and "in" the following: "hold that the petitioner is foreclosed from obtaining a bill".

Per Mr. Chief Justice Stone.

J. Buckner Fisher, Receiver, etc.,

Petitioner,

85 vs.

Louise Whiton, Executrix, etc., et al.,

IT IS ORDERED that the opinion of the Court in No. 85, Fisher v. Whiton, filed December 7, 1942, be amended by inserting after the word "eliminated" in footnote 5 on page 2 of the slip opinion the following phrase: "where there has been compliance with the provisions of the statute,"

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

49 vs.

R. Douglas Stuart.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

48 vs.

John Stuart.

IT IS ORDERED that the last paragraph on page 3 of the opinion of November 16, 1942, be struck out. It reads as follows:

> In answer to the taxpayers' petitions for the redetermination of the deficiencies, the Commissioner asserted the increase was required by the provisions of Sections 22, 166 and 167 of the Revenue Act of 1934, 48 Stat. 680. So far as pertinent these are set out in the footnote below.

In lieu thereof insert the following:

> In answer to the taxpayer's petition in No. 49 for the redetermination of the deficiencies, the Commissioner asserted the

increase was required by the provisions of Sections 22, 166 and 167 of the Revenue Act of 1934, 48 Stat. 680. Section 22 was not raised by the Commissioner in his answer to the petition in No. 48. But the applicability of that section was raised by the Commissioner as appellee before the Circuit Court of Appeals (Helvering v. Gowran, 302 U. S. 238, 245). The contention in the Court of Appeals rested on the facts stipulated in the Board of Tax Appeals. On the rejection of that ground in the court below the Commissioner was entitled to raise the question, as he did, in his petition for certiorari and rely on Section 22 in this Court. Helvering v. Gowran, ibid, 246; cf. Hormel v. Helvering, 312 U. S. 552. So far as pertinent the sections are set out in the footnote below.*

IT IS FURTHER ORDERED that the first sentence of the last paragraph on page 8 be struck out. It reads as follows:

> The Commissioner, however, has pressed continually since this litigation started for taxation under 22(a), see footnote page 3, on the ground that the trust incomes are chargeable to the donors under the rule of Helvering v. Clifford, 309 U. S. 331.

In lieu thereof insert the following:

> The Commissioner, however, raised in the Court of Appeals and has pressed here the liability of the donors for taxation under 22(a), see footnote page 3, on the ground that the trust incomes are chargeable to the donors under the rule of Helvering v. Clifford, 309 U. S. 331.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

49 vs.

R. Douglas Stuart.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

48 vs.

John Stuart.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy C. Tegtmeyer,

Petitioner,

477 vs.

William H. Tegtmeyer, et al.

ON CONSIDERATION of the application for a stay of the mandate of the Supreme Court of Illinois in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Broadcasting Company,
Inc., et al.,

Appellants,

554 vs.

The United States of America,
et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Columbia Broadcasting System, Inc.,

Appellant,

555 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Marconi Wireless Telegraph Company of America,

Petitioner,

369 vs.

The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States,

Petitioner,

373 vs.

Marconi Wireless Telegraph Company of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

518 vs.

Sabine Transportation Company, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

G. E. Burford, et al., Petitioners, — Order allowing certiorari.

495 vs.

Sun Oil Company, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

O. L. Hastings, et al., Petitioners, — Order allowing certiorari.

528 vs.

Selby Oil & Gas Company, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. The case is transferred to the summary docket and assigned for argument immediately following No. 495.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Alex Manieri, Petitioner, — On petition for writ of certiorari to The Court of Claims.

463 vs.

The United States.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

S. C. Bigelow, as Receiver of Virginia & Truckee Railway and Virginia-Truckee Transit Co.,

Petitioner,

494 vs.

H. A. Anderson, Individually, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Galban Lobo Company, S. A.,

Petitioner,

498 vs.

Leon Henderson, Price Administrator.

On petition for writ of certiorari to the U. S. Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Emergency Court of Appeals, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

F. A. Smith Manufacturing Co., Inc.,

Petitioner,

515 vs.

Samson-United Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Miller Land and Livestock Co., Petitioner, vs. Frank Bogart. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

524

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Public Service Corporation of New Jersey, Petitioner, vs. Securities and Exchange Commission. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

521

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Eunice E. Eastman, Petitioner, vs. Guaranty Trust Company of New York, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

516

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Forrest Holiday,

Petitioner,

507 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Forrest Holiday,

Petitioner,

507 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Stephen McBee, an Incompetent Person by Ella McBee, His Legal Guardian,

Petitioner,

167 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Stephen McBee, an Incompetent Person by Ella McBee, His Legal Guardian,

Petitioner,

167 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Robert W. Halliday, et al.,

Petitioners,

437 vs.

State of Ohio, ex rel. S. H. Squire, Superintendent, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert W. Halliday, et al.,

Petitioners,

438 vs.

State of Ohio, ex rel. S. H. Squire, Superintendent, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert W. Halliday, et al.,

Petitioners,

439 vs.

State of Ohio, ex rel. S. H. Squire, Superintendent, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman Baker,

Petitioner,

451 vs.

Walter A. Hunter, Successor to Robert H. Hudspeth, as Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Philip Harry Koolish, et al., Individually, etc.,

Petitioners,

462 vs.

Federal Trade Commission.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

O R D E R

The Court will take a recess from Monday, December 21, until Monday, January 4, 1943.

- - - - - - - - - - - -

American Medical Association, a Corporation,

Petitioner,

201 vs.

The United States of America; and

The Medical Society of the District of Columbia, a Corporation,

Petitioner,

202 vs.

The United States of America.

Argument continued by Mr. Assistant Attorney General Arnold for the respondent and concluded by Mr. William E. Leahy for the petitioners.

Thomas J. Pendergast,

Petitioner,

183 vs.

The United States of America;

Robert Emmet O'Malley,

Petitioner,

186 vs.

The United States of America; and

A. L. McCormack,

Petitioner,

187 vs.

The United States of America.

Four hours allowed for oral argument.

Argument commenced by Mr. Ralph M. Russell for the petitioner in No. 186; and continued by Mr. John G. Madden for the petitioner in No. 183; and by Mr. William S. Hogsett for the respondent.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, DECEMBER 15, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that Richard S. Kaplan, Esquire, of Gary, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel A. Reed, It is ordered that Thomas Sweeney, Esquire, of Taylorville, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy C. Hackley, Jr., It is ordered that Arthur C. Brown, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. Silo Gottleib, It is ordered that Albert S. Gaston, Esquire, of Mobile, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Milford Springer, It is ordered that Adolph H. Levy, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew J. Copp, Jr., It is ordered that Sylvester Hoffman, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald Start Caruthers, It is ordered that Joseph D. Buscher, Esquire, of Silver Spring, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert P. Harland, It is ordered that Henry S. Reuss, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Burke, It is ordered that Emmett A. Scanlan, Jr., Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Thomas J. Pendergast,

Petitioner,

183 vs.

The United States of America;

Robert Emmet O'Malley,

Petitioner,

186 vs.

The United States of America; and

A. L. McCormack,

Petitioner,

187 vs.

The United States of America.

Argument continued by Mr. William S. Hogsett for the respondent and concluded by Mr. Herbert W. Wechsler for the respondent and submitted by Mr. James E. Carroll for the petitioner in No. 187.

Charles Coryell, et al.,

Petitioners,

246 vs.

John S. Phipps, et al.

Argued by Mr. T. Catesby Jones for the petitioners and by Mr. Eugene Underwood and Mr. Chauncey I. Clark for the respondents.

Terminal Railroad Association of St. Louis,

Appellant,

218 vs.

Brotherhood of Railroad Trainmen, et al.

Argument commenced by Mr. Bruce A. Campbell for the appellant.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, DECEMBER 16, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert E. Stone, It is ordered that John Alden Willey, Esquire, of Fresno, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Edward Burroughs, Jr., It is ordered that Bernard M. Acher, Esquire, of Washington, District of Columbia, and Frank L. Heathco, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Travis Taylor Brown, It is ordered that John Knox, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Terminal Railroad Association
of St. Louis,

Appellant,

218 vs.

Brotherhood of Railroad Trainmen, et al.

Argument continued by Mr. Bruce A. Campbell for the appellant; by Mr. William C. Wines and Mr. Alvin E. Stein for the appellees; and concluded by Mr. Bruce A. Campbell for the appellant.

Ziffrin, Incorporated,

Appellant,

245 vs.

The United States of America, et al.

Argued by Mr. Ira Howell Ellis for the appellant and by Mr. Daniel H. Kunkel for the appellees.

The United States of America,

Appellant,

248 vs.

William F. Monia and L. Aubrey Williams.

Argued by Mr. Edward H. Miller for the appellants and by Mr. A. L. Hodson for the appellees.

Natural Milk Producers Association of California, a Corporation, et al.,

Appellants,

385 vs.

The City and County of San Francisco, et al.

Argument commenced by Mr. Philip S. Ehrlich for the appellants.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Thomas H. Matters, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roland W. Fixel, It is ordered that Darrell M. Hanna, Esquire, of Sioux City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sebastian Ugarte, It is ordered that Manuel I. Abella, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Valentine Brookes, It is ordered that Henry S. Janon, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Nathaniel L. Nathanson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles R. Penwick, It is ordered that Walter T. Margetts, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Natural Milk Producers Association of California, a Corporation, et al.,

Appellants,

385 vs.

The City and County of San Francisco, et al.

Argument continued by Mr. Philip S. Ehrlich for the appellants; by Mr. Henry Heidelberg for the appellees; and concluded by Mr. Herbert Levy for the appellees.

Sterling P. Harris, Administrator, etc.,

Petitioner,

268 vs.

Zion Savings Bank and Trust Company.

Argued by Mr. J. D. Skeen for the petitioner and by Mr. Hadlond P. Thomas for the respondent.

Securities and Exchange Commission,

Petitioner,

254 vs.

Chenery Corporation, et al.

Argument commenced by Mr. Chester T. Lane for the petitioner.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

Securities and Exchange Commission,

Petitioner,

254 vs.

Chenery Corporation, et al.

Argument concluded by Mr. Spencer Gordon for the respondents.

Margaret M. Brady, as Administratrix, etc.,

Petitioner,

269 vs.

Roosevelt Steamship Company, Inc.

Argued by Mr. Simone M. Gazan for the petitioner and by Mr. Vernon S. Jones for the respondent.

Murray R. Spies,

Petitioner,

278 vs.

The United States of America.

Argued by Mr. David V. Cahill for the petitioner and by Mr. Assistant Attorney General Clark for the respondent.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, December 21, at

MONDAY, DECEMBER 21, 1942.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thurman W. Arnold, It is ordered that Dorothy Roth Wilson, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Abraham Chaifetz, It is ordered that Jack Goldberg, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Hughes, Jr., It is ordered that Thomas Hamer Finn, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Cragun, It is ordered that Everett Alex Mathews, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

SUPREME COURT OF THE UNITED STATES

Present: The Chief Justice, Mr. Justice Roberts, Mr. Justice Black, Mr. Justice Reed, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Jackson.

Dorothy Roth Wilson, of Washington, D. C.; Jack Goldberg, of Washington, D. C.; Thomas Hamer Finn, of New York City; Everett Alex Matthews, of San Francisco, Calif.; and Joseph Thomas Murphy, of Philadelphia, Pa., were admitted to practice.

The Honorable Calvert Magruder, United States Circuit Judge, addressed the Court as follows:

"May it please the Court:

"The members of the Bar of the Supreme Court met earlier this morning to do honor to the memory of Mr. Justice Brandeis. Fitting addresses were made by Judge Learned Hand, Mr. Paul Freund and Senator Norris, after which the meeting voted certain resolutions which I am directed to present to the Court.

"'RESOLUTIONS

"'Mr. Justice Brandeis, having retired on February 13, 1939, from regular active service on the bench, died in Washington, D. C., on October 5, 1941, shortly before his eighty-fifth birthday. Thus, in the fullness of time, ended an august career. The members of the Bar have met in the Supreme Court Building on December 21, 1942, to commemorate him as one of the great figures of our profession and of the country's history, to survey his accomplishment, and, in the contemplation of a dedicated life, to fortify our courage and faith in the task of achieving the gracious civilization for which he so mightily strove.

"'Louis Dembitz Brandeis was born in Louisville, Ky., on November 13, 1856. His parents, Adolph and Fredericka Dembitz Brandeis, cultivated Bohemian Jews, and his scholarly uncle, Lewis Dembitz, had come to this country a few years before, in quest of liberty. The son from his early youth was thus imbued with an active devotion to free institutions and to the processes of democracy as a means of enhancing the dignity and releasing the potentialities of the common

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Jackson.

William A. Adams, Warden of the City Prison of Manhattan, and James E. Mulcahy, United States Marshal,

Petitioners,

79 vs.

The United States of America, ex rel. Gene McCann.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, set aside; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for such further proceedings, not inconsistent with the opinion of this Court, as may be appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

man. After studying in the public schools abroad, and for two years attended the Annen During this period there was some suggestion medical or academic career in Europe, but he return to America and to study law.

"'Without a college degree he entered the H 1875, at the age of eighteen. His father's fort the panic of 1873, Brandeis earned his way h dents. He made a preeminent scholastic rec Though not yet of the required age of twenty LL.B. degree in 1877 by special vote of the His intellectual distinction and prepossessing all gates in Boston and Cambridge. At this ti dell Holmes. The acquaintanceship was destine mate and tender friendship through a long p service of the two as colleagues on the Supren States.

"'After a further year of graduate study in was admitted to the bar and practiced for som Mo. In 1879 he returned to Boston and entered his classmate Samuel D. Warren under the fir Brandeis. Warren retired from practice in 189 taken in, and in 1897 the name was changed t Nutter. Brandeis remained in this firm unt appointed to the bench.

"'In his early years of practice in Boston peri interest was in the growth and development School. He helped James Bradley Thayer co notable course on constitutional law, and proc abled the School to appoint Holmes to the Brandeis taught the course on evidence, but he professorship. In 1886 he was the prime move the Harvard Law School Association and for he served as its secretary. He rendered valuab and other, in the founding of the Harvard Law first of the academic periodicals which have sig[illegible]t a part of legal education, not only for for the bench and bar. His pioneering artic Privacy" (as coauthor with his partner Warren issue of the Review. In recognition of his servi sity awarded him the honorary degree of Master

"'Though not in chronological order, it is app to mention another educational interest with wh occupied in later years. In 1924 he formulate

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the om the Supreme Court of the State of North Carolina, and was argued l.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this t the judgment of the said Supreme Court, in this cause, be, and the reby, reversed with costs; and that this cause be, and the same is emanded to the said Supreme Court for further proceedings not incon- ith the opinion of this Court.

Per Mr. Justice Douglas.

urring opinion by Mr. Justice Frankfurter.

enting opinion by Mr. Justice Murphy.

enting opinion by Mr. Justice Jackson.

. Adams, Warden of the on of Manhattan, and Mulcahy, United States

Petitioners,

vs.

d States of America, ex McCann.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the om the United States Circuit Court of Appeals for the Second Cir- was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged ourt that the order of the said United States Circuit Court of in this cause, be, and the same is hereby, set aside; and that this and the same is hereby, remanded to the said Circuit Court of or such further proceedings, not inconsistent with the opinion of t, as may be appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

of Louisville he went Realschule in Dresden. that he prepare for a held to his resolve to

Harvard Law School in une having been lost in y tutoring fellow stu- ord at the law school. -one, he was given his Harvard Corporation. manner opened to him ne he met Oliver Wen- d to grow into an inti- eriod of distinguished e Court of the United

Cambridge, Brandeis e months in St. Louis, into partnership with m name of Warren & 3, other partners were Brandeis, Dunbar & il 1916, when he was

haps his major outside of the Harvard Law llect materials for his ured funds which en- faculty. In 1882-83 declined an assistant r in the formation of nany years thereafter le assistance, financial Review in 1886-87, the become so lively and law students, but also le on "The Right to appeared in an early ices, Harvard Univer- of Arts in 1891. propriate at this point hich he was much pre- d, and in succeeding

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

years gave wise guidance to, a broad-visioned progra
ing of the law school and the general library of
Louisville, in the city of his birth. His thesis wa
great "a university must express the people whom i
express the people and the community at their bes
gifts of money constituted the least important part o
He gave painstaking thought to the educational p
laid the broad foundations, and sketched the lines
ment. In the pamphlet "Mr. Justice Brandeis and
Louisville" Bernard Flexner tells the story of this
which the Justice initiated and followed through w
idealism, imagination, and scrupulous attention to d
ect was all of a piece with one of his firmest con
strength of America lies in diversity, not uniformit
tures and traditions should be preserved and fostere
responsibility quickened, local leadership evoked and

"'By 1890 Brandeis had built up a varied and lucra
had established himself as one of the leaders of the
steadfastly maintained the independent standing of t
never hesitated to impress upon his clients the obligat
power. It was characteristic of him that whatever
with, his concern went beyond the winning of a victo
With intense concentration he mastered the facts, h
then shrewdly appraised their social significance;
technical skill, inventiveness, and imagination, and w
sideration of diverse conflicting interests, he devis
long-range adjustment or solution.

"'In conscientious performance of his duty as a c
time more and more to devote his talents, without ret
public causes. Thus he played a major part in the
the Boston municipal subway system, in devising and
Boston sliding-scale gas system, and in opposing the N
road's monopoly of transportation in New England.
tion of the abuses and tragic inadequacies of so-called
ance led him to draft and procure the adoption by th
Legislature of the savings bank life insurance plan
watchful guidance, became established on a firm found
provocative activities he did not escape the shafts
personal abuse; notwithstanding this, he calmly h
confident of ultimate vindication. He was sometim
sader, and so he was. But he had qualities too ofte
crusader—a sure grasp of concrete fact, a constructive
patience. He never tired of urging the steady improv
by "small reforms"—steps forward which were of

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Jackson.

n A. Adams, Warden of the rison of Manhattan, and E. Mulcahy, United States l,

Petitioners,

vs.

ited States of America, ex ene McCann.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged s Court that the order of the said United States Circuit Court of s, in this cause, be, and the same is hereby, set aside; and that this be, and the same is hereby, remanded to the said Circuit Court of s for such further proceedings, not inconsistent with the opinion of ourt, as may be appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

tance, but which did not alter the basic pattern of
nor overtax the capacities and imagination of men.

"'The country is vastly indebted to him for his
the field of labor relations, in dispelling misunderst
management and labor, and in making collective bar
tive instrument for industrial peace. He successfu
conciliated many labor disputes. In 1910 he was ar
strike in the New York City garment trade. Not cont
the immediate dispute, he devised the famous "p
permanent government of labor relations in the ind
vision for the preferential union shop, for a Joint B
Control, and for a continuing Board of Arbitrati
representatives of the public as well as of the em
union. The procedures thus developed and successfu
as a model in other industries. For several years
partial chairman of this board of arbitration.

"'Recognizing his grasp of intricate economic pro
State Commerce Commission engaged him in 1913 a
to develop the facts relevant to the application of
roads for permission to put into effect a horizontal
of freight rates.

"'In a series of papers and public addresses h
abuses of financial manipulation, and pointed out
diminishing efficiency of undue concentration of
These, collected in the book "Other People's Mone
traordinary powers of analysis and lucid expo
forcefully some of the dominant ideas of his life-
intellectual working tools of great power, have h
fluence on thinking and on events. They are a
contributions to American thought of the last h
have grown into our culture as the statement and f
of its richest and most characteristic themes.

"'One of the most significant activities of his
was his advocacy of the constitutionality of state m
maximum hour legislation. With intelligent utili
trine of judicial notice, his unconventional type o
beyond the citation of legal precedent and set fo
economic background out of which the need for the
together with all relevant scientific material, ex
experience in other states and lands in dealing
problems. Thus the "Brandeis brief," as it came
the issue of due process of law under the Fifth
Amendments out of the realm of the abstract an
proper setting of contemporary fact.

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the rd from the Supreme Court of the State of North Carolina, and was argued ounsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this : that the judgment of the said Supreme Court, in this cause, be, and the is hereby, reversed with costs; and that this cause be, and the same is y, remanded to the said Supreme Court for further proceedings not incon- nt with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Jackson.

m A. Adams, Warden of the Prison of Manhattan, and E. Mulcahy, United States l,

Petitioners,

vs.

ited States of America, ex ene McCann.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the from the United States Circuit Court of Appeals for the Second Cir- nd was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged Court that the order of the said United States Circuit Court of , in this cause, be, and the same is hereby, set aside; and that this e, and the same is hereby, remanded to the said Circuit Court of for such further proceedings, not inconsistent with the opinion of urt, as may be appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

"'In 1914-16 Brandeis was chairman of the E
for General Zionist Affairs, and thereafter r
front of the movement to develop the Jewish N
estine. In this great creative activity, he saw
prophetic vision, the building of a haven of ref
intolerance and oppression, and the opportuni
cherished ideals of democracy and social justi
known as the Zeeland Memorandum drafted by
ment of proposed Zionist policy, there is exhibit
his insight, his humanity, his practical idealism
his insistence upon sound financial managemen
zation.

"'By appointment of President Wilson, Bra
Associate Justice of the Supreme Court on Ju
nate outcome is all that will be remembered of th
over his confirmation by the Senate. Though
men who came to the Court without having pu
or other public office, his career at the bar an
affairs constituted a magnificent preparation fo
statecraft. In 528 opinions during twenty-thr
found occasion to deal with all the issues, large
before the Court—problems of federalism, juris
ministrative law, patents and copyrights, bank
utilities, monopoly and restraint of trade, labor
and the law of the public domain. The solid stu
forth to advantage by a simple, straightforwar
rhetorical flourish. Noteworthy illustration of
be found in his opinions on the economic and c
of public utility valuation, and in his opinions
speech and other civil liberties, in peace and in
high place among the best of our Anglo-Ame
To borrow the words of Chief Justice Hughes
was "the master of both microscope and teles
portance, however minute, escapes his micro
every problem, and, through his powerful tele
vision embraces distant scenes ranging far beyo
of conventional thinking." How the future w
work it is not for us to say, but this much is cer
porary viewpoint, Mr. Justice Brandeis stand
giants of our law, wise, strong, and good.

"'In his own person, with the ready coope
children, Mr. Justice Brandeis practiced his
others of "simple living, high thinking, and l
riage in 1891 to Alice Goldmark gave him

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the from the Supreme Court of the State of North Carolina, and was argued sel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this at the judgment of the said Supreme Court, in this cause, be, and the hereby, reversed with costs; and that this cause be, and the same is remanded to the said Supreme Court for further proceedings not incon- with the opinion of this Court.

Per Mr. Justice Douglas.

curring opinion by Mr. Justice Frankfurter.

senting opinion by Mr. Justice Murphy.

senting opinion by Mr. Justice Jackson.

A. Adams, Warden of the son of Manhattan, and Mulcahy, United States

Petitioners,

vs.

ed States of America, ex e McCann.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the rom the United States Circuit Court of Appeals for the Second Cir- d was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged Court that the order of the said United States Circuit Court of in this cause, be, and the same is hereby, set aside; and that this , and the same is hereby, remanded to the said Circuit Court of for such further proceedings, not inconsistent with the opinion of t, as may be appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

942 96

Provisional Committee emained in the fore- ational Home in Pal- the fulfillment of a uge against storms of ty to realize his most ce. In the document him in 1920 as a state- ed in striking fashion n, his grasp of detail, t and efficient organi-

ndeis took his seat as ne 5, 1916. Its fortu- e long and bitter fight he was one of the few eviously held judicial d experience in large r the tasks of judicial e years of service, he and small, which come diction and venue, ad- ruptcy, finance, public relations, civil rights, ff of his opinions is set d, lucid style, without his judicial work may onstitutional problems on the rights of free war, which have won rican legal literature. Mr. Justice Brandeis cope. Nothing of im- scopic examination of scopic lens, his mental nd the familiar worlds ill regard his judicial tain: from our contem- s with the half dozen

ration of his wife and austere preachment to ard work." His mar- arm intellectual com-

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

radeship and a happy home which sustained a
out a long and vigorous career. The sere
achieved, and retained to the last, was the d
tion of great gifts to great purposes. His per
people was remarkable; in an age of cynicis
learned from him that life had not lost its sp
less men and women, of all ages and walks of
sage and counsellor and went away with lifted

"'Wherefore, it is

"'*Resolved*, That we, the Bar of the Supre
States, express our grievous sense of loss upo
tice Brandeis, that we acknowledge our prof
his exemplification in word and deed of so l
lawyer's calling, and that we give grateful r
ing contributions made by him to the enrichm
It is further

"'*Resolved*, That the Chairman of our C
be directed to present these resolutions to th
that they be embodied in its permanent record

"That concludes the reading of the resoluti
Bar, I now move that these resolutions be re
made a part of its permanent records."

Mr. Attorney General Biddle addressed th

"Mr. Chief Justice and Members of the Co

"We are gathered today to honor the me
ican—Louis D. Brandeis. In paying our tri
speak for the Bar and the Bench. Yet we sp
yers, gathered to record his extraordinary c
fession in which we have spent our lives, b
now for a moment that we may try to expr
country. It is timely that at this moment
Justice Brandeis in this broader sense, fo
that he held dear are being desperately d
world. As we fight today we are redefinin
among those with whom we are allied the me
those values. If this war touches us more de
to the extent that we feel the essentials of
sounds of words that we and others have sp
must, day by bitter day, rediscover and reaffi
old American faith.

"Brandeis spent his life in such a continu
gest, Mr. Chief Justice, that here is a very
thing to remember; to remember again in t
after this war, terrible years, or years of hop

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the [illegible] from the Supreme Court of the State of North Carolina, and was argued [illegible].

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this [illegible] that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Jackson.

[illegible] Adams, Warden of the [illegible] of Manhattan, and [illegible] Fulcahy, United States

Petitioners,

vs.

[illegible] States of America, ex [illegible] McCann.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the [illegible] from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this [illegible] Court that the order of the said United States Circuit Court of [illegible] in this cause, be, and the same is hereby, set aside; and that this cause, and the same is hereby, remanded to the said Circuit Court of [illegible] for such further proceedings, not inconsistent with the opinion of [illegible], as may be appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

1942 97

[illegible] fortified him through- [illegible] nity of spirit which he [illegible] reward of his dedica- [illegible] personal influence on young [illegible] and materialism they [illegible] spiritual meaning. Count- [illegible] life, came to him as to a [illegible] hearts and a new insight.

[illegible] Court of the United [illegible] the death of Mr. Jus- [illegible] professional debt to him for [illegible] a conception of the [illegible] recognition to the endur- [illegible] of our national life:

[illegible] Committee on Resolutions [illegible] Court, with the prayer [illegible].'

[illegible] As directed by the [illegible] received by the Court and

[illegible] Court, as follows:

[illegible]:

[illegible] memory of a great Amer- [illegible] tribute to that memory we [illegible] not only as law- [illegible] contribution to the pro- [illegible] as Americans, joined [illegible] what he did for our [illegible] should think of Mr. [illegible] those inherent values [illegible] defended throughout the [illegible] among ourselves and [illegible] and the reality of [illegible] than any war, it is [illegible] freedom beyond the [illegible]. To ourselves we [illegible] what constitutes our

[illegible] reaffirmation. I sug- [illegible] rare and very moving [illegible] years that will come [illegible] and growth, according

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

as we shape them. Today again men ar
cherish; Brandeis lived for that same fait
to the service of his country. To be sure
simple to think of anything he did as a d
anyone I have ever known he was innate
selflessness of a man who held off the
tensely in his world—a world where the e
the wretched inequalities between comfor
of the accepted democratic processes to g
new industrial era enlisted his heart as

"His preparation for his twenty-three
transcended his wide and varied experie
brought him to the front of his profes
the same qualities stood forth: there
insurance which led to the adoption of t
legislation in Massachusetts; the success
rates in Boston; the Ballinger-Pinchot i
in centering public attention on the vi
effective conservation programs; his cha
arbitration in the needle trades; his repre
consumers and workmen in many fields.

"Although he was frugal and ascetic,
centration and immense work on the prob
ness of purpose never limited the friend
or the curiosity of his mind. He was w
without clichés. The asceticism and his
look gave him in the eyes of many of
saint. Mr. Justice Holmes felt this rev
ciate. 'Whenever he left my house,' He
'I was likely to say to my wife, "The
• • •." In the moments of discour
through, he always has had the happy w
It came from knowledge, experience, co
which he always has taken life.'

"Yet Justice Brandeis had none of t
associate with sainthood. He was prac
sistent. He brought the mind of a tr
analysis of legal opinion and decision, a
illustrated in his brief in support of th
hour day for women wage earners. Th
other ninety-seven diagnose factory co
individual workers and the public health
profound influence on the method of pu
involving social legislation, and, I sugg

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this the judgment of the said Supreme Court, in this cause, be, and the eby, reversed with costs; and that this cause be, and the same is anded to the said Supreme Court for further proceedings not incon- the opinion of this Court.

Per Mr. Justice Douglas.

ing opinion by Mr. Justice Frankfurter.

ing opinion by Mr. Justice Murphy.

ing opinion by Mr. Justice Jackson.

dams, Warden of the of Manhattan, and cahy, United States

Petitioners,

vs.

tates of America, ex Cann.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the the United States Circuit Court of Appeals for the Second Cir- argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged that the order of the said United States Circuit Court of this cause, be, and the same is hereby, set aside; and that this the same is hereby, remanded to the said Circuit Court of uch further proceedings, not inconsistent with the opinion of s may be appropriate.

Per Mr. Justice Frankfurter.

ng opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

e dying for the faith they
h, quietly dedicated his life
he was too fundamentally
edication. But as much as
ly selfless. Nor was it the
world. Brandeis lived in-
conomic struggle for power,
t and suffering, the failure
ive scope to the needs of a
well as his mind.
years on this Court thus
nce in practice which had
sion. But in the practice
was the battle for cheap
he savings banks insurance
ful campaign for lower gas
nvestigation which resulted
tal need of immediate and
irmanship of the board of
sentation of the interests of

living a life of steady con-
blems before him, his single-
ly sympathy of his nature,
ithout prejudices, as he was
fundamentally moral out-
his friends the quality of a
erence for his younger asso-
lmes wrote of him in 1932,
re goes a really good man
agement that we all pass
ord that lifts up one's heart.
urage, and the high way in

he mystic essence which we
tical, realistic, patient, per-
ined social scientist to the
method which is beautifully
e Oregon law fixing a ten-
ee pages argue the law; the
nditions and their effect on
n. This approach has had a
resenting arguments in cases
est, on the outlook of courts

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

to social problems. That judges today
to the assumption of accepted dogmas, m
minded, is largely due to the influences
do in America,' he once said, a few years
'is not to attack our judges but to educ
be made to feel, as many judges already
protect liberty are radically different fr
back • • •. In the past the courts
largely deductively from preconceived
method I have tried to employ in argui
inductive, reasoning from the facts.'

"I hesitate to suggest that Brandeis
do not think of him primarily as a phil
deal with generalities that take shape
above and below the realm of the re
Justice Holmes, who, distrustful thou
felt that the nature of man was to indu
deis, clear in his first principles, was tr
tions. While Holmes' doubts were
scientific. 'I have no general philosoph
thought only in connection with the fac
We need not so much reason as to see a
tions.' He believed profoundly tha
someone's ignorance, and that disputes
standing. President Wilson knew th
the Justice's appointment which had l
Senator Culbertson, the chairman of t
not speak too highly of his impartial
structive mind, his rare analytical pow
his profound acquaintance with the
tions • • • his knowledge of ec
they bear upon the masses of the peop

"Mr. Justice Brandeis' fundamenta
whole frame and direction of his effor
quote Albert Lief) struggling with op
right to full development. The infini
ness. Man's limitations, too. But e
achievement which can come when e
this approach many times, never m
mony before the Commission on In
remarkable for having been delivere
he told the Committee, 'bear in mind
we may desire material improvemen
fort of the individual, the United S

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the the Supreme Court of the State of North Carolina, and was argued

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this be judgment of the said Supreme Court, in this cause, be, and the by, reversed with costs; and that this cause be, and the same is ded to the said Supreme Court for further proceedings not incon- the opinion of this Court.

Per Mr. Justice Douglas.

ng opinion by Mr. Justice Frankfurter.

ng opinion by Mr. Justice Murphy.

ng opinion by Mr. Justice Jackson.

ms, Warden of the Manhattan, and hy, United States

Petitioners,

vs.

tes of America, ex n.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the United States Circuit Court of Appeals for the Second Cir- rgued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged hat the order of the said United States Circuit Court of cause, be, and the same is hereby, set aside; and that this e same is hereby, remanded to the said Circuit Court of further proceedings, not inconsistent with the opinion of ay be appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

21, 1942 99

are more realistic, less given ore mature and more curious- f Brandeis. 'What we must before he was made a judge, ate them. All judges should do, that the things needed to m what they were fifty years ave reached their conclusions notions and precedents. The ng cases before them has been

ad a philosophy of life for I sopher. Do not philosophers of the universal and glitter tless particular! Unlike Mr. gh he was of the essences, yet ge in their formulation, Bran- ly empirical in his preoccupa- philosophic, Brandeis' were y,' he said. 'All my life I have s that came before me . . . nd understand facts and condi- t behind every argument is generally arise from misunder- is when, after the hearings on sted for three months, he wrote he Judiciary Committee: 'I can- , impersonal, orderly, and con- rers, his deep human sympathy, historical roots of our institu- nomic conditions and the way e.'

l thought running through the ts, was always of man—'Man (to pressive forces in society. Man's e possibilities in human creative- pecially the breadth of national nergies are released.' He voiced re profoundly than in his testi- dustrial Relations in 1914, more d extemporaneously. 'We must,' l all the time that however much t and must desire it for the com- tates is a democracy and that we

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

must have, above all things, men. It
to which any industrial and social sys
"That, I believe, was the chief rea
cerned with the growth of huge cor
danger to American Democracy by
Americans.' In his dissenting opinion
'widespread belief • • • that by
exerted through giant corporations, in
being paralyzed, creative power impa
ened; that the true prosperity of our
but through the courage, the energy,
men • • •'
"His belief, therefore, in preservi
tected by the Constitution, was no
however strongly felt; a free climate
the development of individual men.
ence,' he wrote in a concurring opini
lieved that the final end of the State
their faculties; and that in its gov
should prevail over the arbitrary.
end and as a means. They believ
happiness, and courage to be the s
that freedom to think as you wi
are means indispensable to the discov
that without free speech and assembl
with them, discussion affords ordina
the dissemination of noxious doctri
freedom is an inert people; that pub
and that this should be a fundame
government.'
"He believed in seeking 'for bette
existing institutions,' as he once wrot
is necessarily slow, and remedies nec
ment of the individual is,' he added.
end sought. For our objective is the
shall be free, self-respecting member
be worthy of respect • • •. The
"He believed, never doubting, in D
a serious undertaking which 'subsi
restraint.' He knew also that Demo
fice by the individual and more exi
than any other form of government
the individual, and 'his development
of common living.'

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

29

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this judgment of the said Supreme Court, in this cause, be, and the reversed with costs; and that this cause be, and the same is to the said Supreme Court for further proceedings not incon- opinion of this Court.

Per Mr. Justice Douglas.

opinion by Mr. Justice Frankfurter.

opinion by Mr. Justice Murphy.

opinion by Mr. Justice Jackson.

, Warden of the anhattan, and , United States

Petitioners,

s.

s of America, ex

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

HIS CAUSE came on to be heard on the transcript of the United States Circuit Court of Appeals for the Second Circ- gued by counsel.

CONSIDERATION WHEREOF, It is now here ordered and adjudged at the order of the said United States Circuit Court of cause, be, and the same is hereby, set aside; and that this same is hereby, remanded to the said Circuit Court of further proceedings, not inconsistent with the opinion of y be appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

ER 21, 1942 100

is the development of manhood stem should be directed.'

son why he was so deeply con- porations as presenting a grave what he called 'capitalizing free in *Liggett* v. *Lee* he spoke of the the control which the few have dividual initiative and effort are ired, and human happiness less- past came not from big business, and the resourcefulness of small

ng our fundamental rights pro- matter of individual preference, of thought is indispensable for 'Those who won our independ- on in *Whitney* v. *California*, 'be- was to make men free to develop ernment the deliberative forces They valued liberty both as an ed liberty to be the secret of ecret of liberty. They believed ll and to speak as you think ery and spread of political truth; discussion would be futile; that rily adequate protection against ne; that the greatest menace to lic discussion is a political duty; ntal principle of the American

rment within the broad lines of e Robert W. Bruère, for progress essarily tentative. 'The develop- 'both a necessary means and the making of men and women who s of a democracy—and who shall great developer is responsibility.' emocracy. But he knew it to be itutes self-restraint for external cracy 'demands continuous sacri- gent obedience to the moral law .' Its success may proceed from is attained mainly in the process

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

"And so Brandeis believed that every
ave an actual opportunity, and not on
pportunity.' He was convinced that in
emoved until the worker was given, thro
he management and responsibility of t
ice for which we are striving was for hi
ncident of our democracy. The end is t
y self-government in the fullest sense,
well as political democracy.

"Thus holding that Democracy was b
were entitled to the pursuit of life and
pportunity advances civilization, he sa
life from the opposing view that one ra
Less than a year after the first World
his fundamental difference of concepti
Century Club in Boston, twenty-seven y
dedicated to liberty and the brotherhoo
the arrogant claim that one European
America has believed that each race ha
which it could contribute to the attain
which it is striving. America has belie
n uniformity, lies the path of progress.
dvanced human happiness and it has p

"Today Brandeis takes his place in
as a great American whose life work br
ssentially American belief in equality
freedom—the dream that Jefferson, wh
as the 'first civilized American,' had c
from such different roots. Brandeis is i
tradition of those who affirm the integri

The Chief Justice directed that th
spread upon the minutes of the Court.

The Chief Justice said:

"Mr. Attorney General, you are
Brandeis as a great American. It is
ican, devoted to the law, using the la
sourcefulness and, above all, with wisd
and law giver. We think of him as
his abiding faith in the principles of
opportunity which were proclaimed
American documents, the first Virgini
tion of Independence, and the Constit

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the ... Supreme Court of the State of North Carolina, and was argued ...

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this ... judgment of the said Supreme Court, in this cause, be, and the ... reversed with costs; and that this cause be, and the same is ...d to the said Supreme Court for further proceedings not incon... ...e opinion of this Court.

Per Mr. Justice Douglas.

... opinion by Mr. Justice Frankfurter.

... opinion by Mr. Justice Murphy.

... opinion by Mr. Justice Jackson.

...s, Warden of the ... Manhattan, and ...y, United States

Petitioners,

...s.

...s of America, ex ...l.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the ... United States Circuit Court of Appeals for the Second Cir... ...gued by counsel.

...N CONSIDERATION WHEREOF, It is now here ordered and adjudged ...at the order of the said United States Circuit Court of ... cause, be, and the same is hereby, set aside; and that this ...e same is hereby, remanded to the said Circuit Court of ... further proceedings, not inconsistent with the opinion of ...ay be appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

...21, 1942 101

... man in this country should ...ly what he termed 'a paper ...dustrial unrest would not be ...ugh some method, a share in ...he business. The social jus... ...n not the end but a necessary ...he development of the people ... which involves industrial as

...ased on the theory that men ...of happiness, and that equal ...w the threat to this way of ...ce was superior to the other. ...War had begun he expressed ...on, speaking before the New ...ears ago: 'America,' he said, ...d of man, rejected heretofore ... race is superior to another. ...d something of peculiar value ...ment of those high ideals for ...ed that in differentiation, not ... Acting on this belief, it has ...cospered.'

...he moving stream of history ...ought nearer to fulfillment the ...of opportunity and individual ...om Brandeis once referred to ...erished, and Lincoln, sprung ...n their tradition, the American ...ty of men and women."

... resolutions be received and

...ight in speaking of Justice ...because he was a great Amer... ...wyer's learning with skill, re... ...om, that he was a great lawyer ... a great American because of ...iberty, justice, and equality of ... by those characteristically ...a Bill of Rights, the Declara... ...ution. His Americanism con...

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

emplated a society in which our continue
ciples of government should, in all the v
bring to every man the opportunity to l
life.

"For him those principles were not
tyrannies of eighteenth century governme
They were equally to be taken as guara
economic injustices which attend the devel
increasingly complex society should not
phrase 'law and order' meant more than
violence by government. It signified a sta
by a new and better understanding of soci
which should check those social forces tha
to withhold from men freedom and equal
as we are aware of his passion for freedo
and of the means by which he translated
profound understanding of both the func
world and the techniques by which law m
of a free society, do we gain insight int
power and influence as a judge.

"Most progress in the law has been wo
the vision to perceive the necessity for bri
or suitable control the forces which, for g
order and freedom of society, and who,
craftsmanship with which to make the ne
laws to new needs. Progress in the law ha
Apart from the legitimate demand for con
founded on precedent, we have sometimes
resemblances which call for the extension
facts and events, and those differences of t
make necessary the qualification of preced
new doctrine.

"Some centuries passed before judges
suaded that the law should take notice of
robbery and larceny, and before they reco
pels men to perform contracts it should eq
to repay money procured through fraud
Mansfield was engaged in his great work
mon law to the requirements of a commer
of the practices of merchants as a basis fo
of the law were regarded as a daring ju
novation was, in truth, no more and no le
all the resources of the creative mind to

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this judgment of the said Supreme Court, in this cause, be, and the , reversed with costs; and that this cause be, and the same is led to the said Supreme Court for further proceedings not incon- he opinion of this Court.

Per Mr. Justice Douglas.

g opinion by Mr. Justice Frankfurter.

g opinion by Mr. Justice Murphy.

g opinion by Mr. Justice Jackson.

ms, Warden of the Manhattan, and hy, United States

Petitioners,

vs.

tes of America, ex nn.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the e United States Circuit Court of Appeals for the Second Cir- argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged that the order of the said United States Circuit Court of is cause, be, and the same is hereby, set aside; and that this the same is hereby, remanded to the said Circuit Court of ch further proceedings, not inconsistent with the opinion of may be appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

1, 1942 102

d adherence to those prin- icissitudes of our history, ive the good and efficient

concerned alone with the nt which gave them birth. nties that the social and lopment of a dynamic and prevail. In his mind the the suppression of lawless te of society to be achieved al values, and by just laws t in a changing order tend ity of opportunity. Only m and justice for all men, l it into action through a tion of law in a changing y be adapted to the needs o the true sources of his

n by those who have had nging under its protection od or evil, affect the good seeing, have possessed the cessary adjustment of old s never been easy or swift. tinuity in a system of law been slow to perceive those of old precedents to new he new from the old which ent or the development of

and legislators were per- fraud or deceit as well as gnized that if the law com- ually impose an obligation or mistake. When Lord of adapting a feudal com- rcial England, his studies r an enlightened expansion licial innovation. The in- ss than the application of the perpetual problem of

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

attuning the law to the world in
such a mind that Justice Brandeis
try and of this Court, when he to
The twentieth century had already
which had been as little envisaged
and practices of merchants before
the protection of the interests of w
new administrative agencies, the
power of different classes in the co
for repressing monopoly and for re
aggregations of capital, all called f
of the common law and of constit
jects, which often bore but a supe
which lawyers and judges had bee

"These were problems to tax th
lawyers and judges, but their sol
understanding of their nature and
tions of yesterd $ can appropriat
society of today. In the long histo
so richly endowed for such an und
His career at the Bar had revealed h
by which the existing machinery of
good order of society notwithstandi
being subjected.

"Despite the demands of a busy p
and had found the time to give fre
the protection of the public from
misuse of financial power, from th
putes are not adjusted by peaceal
inflicted by the misconduct of recre
aims were persistently constructive
social progress, because of its very n
with small reforms, with few steps
they were forward. He was convi
mately be attained by resort to meth
of his ideal of freedom and justic
system, administered with wisdom a
potentialities for realization of that
character of our institutions. Soci
patience, an extraordinary capacity
and serene confidence that truth rev
the special gifts of character and pe
judicial service. These are gifts sel

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

29

THIS CAUSE came on to be heard on the transcript of the [illegible] Supreme Court of the State of North Carolina, and was argued

N CONSIDERATION WHEREOF, It is ordered and adjudged by this idgment of the said Supreme Court, in this cause, be, and the eversed with costs; and that this cause be, and the same is to the said Supreme Court for further proceedings not incon- opinion of this Court.

Per Mr. Justice Douglas.

pinion by Mr. Justice Frankfurter.

pinion by Mr. Justice Murphy.

pinion by Mr. Justice Jackson.

; Warden of the anhattan, and ; United States

Petitioners,

s.

s of America, ex

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

HIS CAUSE came on to be heard on the transcript of the United States Circuit Court of Appeals for the Second Cir- gued by counsel.

N CONSIDERATION WHEREOF, It is now here ordered and adjudged at the order of the said United States Circuit Court of cause, be, and the same is hereby, set aside; and that this e same is hereby, remanded to the said Circuit Court of further proceedings, not inconsistent with the opinion of ay be appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

MBER 21, 1942 103

which it is to function. It was brought to the service of the coun- ok his seat on the Bench in 1916. brought to the courts new problems by the law as had been the customs Mansfield's day. The demands for orkingmen and for the creation of rowing inequalities in bargaining mmunity, and the recognized need egulating public utilities and large or the adaptation of the principles ational interpretation to new sub- rficial resemblance to those with n traditionally concerned.

e technical skill and training of ation demanded also sympathetic of the part which the legal tradi- ely play in securing the ordered y of the law few judges have been ertaking as was Justice Brandeis. is constant interest in finding ways the law could continue to serve the ng the new stresses to which it was

ractice he had had the inclination ly of his professional services for the abuses of monopoly and the e injury suffered where labor dis- le means, and from the wrongs nt public officials. In all this his Aware that permanent gain in ature, must be slow, he was content t a time and short ones, so long as ced that progress would not ulti- ods which required any surrender e for all; that our constitutional nd good will, had within it all the ideal without altering the essential al conscience and vision, infinite for sustained intellectual effort, aled will ultimately prevail, were rsonality which he devoted to his dom united in any one person, but

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

they would have been inadequate fo
the true significance of a system of
700 years of Anglo-American legal
"Justice Brandeis knew that th
common law the judge's decision of
for tomorrow, has drawn its inspir
rived its vitality and capacity for g
in every case, frame the issue for d
to decision, he sought complete ac
generative source of the law. By e
social and economic need and conse
hours of labor, of rate-making for
evils of monopoly, and in many ano
tion of those judicial decisions whic
were to point the way for the deve
dustrial civilization of the twentie
that judges and lawyers knew all th
were unaware of the significance of
laws were now to be applied. In the
principles set down in the lawbook
synthesis of judicial decision. In
but the means to a social end—th
interests in society which are the s
hence of law.
"This end was to be attained wit
of Constitution and statutes, and
doctrines by common consent rega
sonable accommodation of the law
needs. In such a process the law it
continuity was to be weighed aga
facts, and in the light of the teachi
legal system has grown. These we
to decision for Justice Brandeis,
What gave his judicial career its h
nition that these are boundaries wi
freedom of choice of the rule of
his choice within those limits ma
economic considerations whose we
ment in favor of one rule rather th
"It is the fate of those who trea
stood. There were many, when J
who had forgotten or never knew
interested in knowing, that this
throughout the history of the law

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

29

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued

the task without his insight into law which is the product of some istory.
oughout the development of the today, which is also the precedent ation—and the law itself has de- owth—from the very facts which, ecision. And so, as the first step quaintance with the facts as the xhaustive research to discover the uences of regulation of wages and public utilities, of the sources and ther field, he laid the firm founda- h for nearly a quarter of a century lopment of law adapted to the in- th century. For what availed it e laws in the ancient books, if they the new experience to which those facts, quite as much as in the legal s, he found the materials for the that synthesis the law itself was e protection and control of those pecial concern of government and

hin the limits set by the command the restraints of precedent and of rded as binding, through the rea- to changing social and economic self was on trial. The need for its inst the pressing demands of new ngs of experience, out of which our re the guideposts marking the way s they had been for other judges. igh distinction was his clear recog- thin which the judge has scope for aw which he is to apply, and that y rightly depend upon social and ight may turn the scales of judg- an another.
l unfamiliar paths to be misunder- stice Brandeis came to this Court, , and some perhaps who were not was the judicial process which, , has in varying degree served to

NSIDERATION WHEREOF, It is ordered and adjudged by this ent of the said Supreme Court, in this cause, be, and the rsed with costs; and that this cause be, and the same is the said Supreme Court for further proceedings not incon- nion of this Court.

Per Mr. Justice Douglas.

ion by Mr. Justice Frankfurter.

ion by Mr. Justice Murphy.

ion by Mr. Justice Jackson.

eden of the ttan, and ited States

Petitioners,

America, ex

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

AUSE came on to be heard on the transcript of the d States Circuit Court of Appeals for the Second Cir- by counsel.

SIDERATION WHEREOF, It is now here ordered and adjudged e order of the said United States Circuit Court of e, be, and the same is hereby, set aside; and that this e is hereby, remanded to the said Circuit Court of her proceedings, not inconsistent with the opinion of appropriate.

Per Mr. Justice Frankfurter.

on by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

renew its vitality and to co
method of the great judges
sciously practiced the crea
have been moulded to the
stood today than it was tw
we have seen the shafts of
the lawyer and Judge turn
tion of his integrity of mi
"He was emphatic in p
cision in a different catego
in cases where the law ma
He never lost sight of th
a great charter of governm
'it is *a constitution* we are
to come, and, consequentl
human affairs.' Hence, it
narrow literalness of a n
that its high purposes sh
of the document and be gi
work of government. No
judicial interpretations of
legislative correction, cou
were open to reconsidera
greater knowledge and w
Constitution as a charter
restraints under the Due
it had adopted any parti
the exclusion of others wh
much he might disagree
of civil liberty and the
stitutional guaranties of i
and religion, and in the
government to the princi
safeguards of a free and
"Justice Brandeis rever
held to be the indispensa
federal system. He belie
influence depend more tha
and disinterestedness with
that belief he withdrew f
Court was the absorbing
terested study and the for
to be the only dependabl

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

29

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel

ERATION WHEREOF, It is ordered and adjudged by this of the said Supreme Court, in this cause, be, and the with costs; and that this cause be, and the same is said Supreme Court for further proceedings not incon- of this Court.

Per Mr. Justice Douglas.

by Mr. Justice Frankfurter.

by Mr. Justice Murphy.

by Mr. Justice Jackson.

of the , and States

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ioners,

ica, ex

came on to be heard on the transcript of the ates Circuit Court of Appeals for the Second Cir- ounsel.

RATION WHEREOF, It is now here ordered and adjudged der of the said United States Circuit Court of e, and the same is hereby, set aside; and that this hereby, remanded to the said Circuit Court of proceedings, not inconsistent with the opinion of ropriate.

Per Mr. Justice Frankfurter.

y Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

ntinue its capacity for growth. It was the of the past, who had consciously or uncon- tive art by which familiar legal doctrines eeds of a later day. This is better under- nty-five years ago. In the fullness of time criticism which were directed at Brandeis ed harmlessly aside by the general recogni- nd and purpose and of his judicial wisdom. lacing the principles of constitutional de- ry from those which are guides to decision y readily be altered by legislative action. e fact that the Constitution is primarily ent, and often repeated Marshall's words: e expounding' 'intended to endure for ages y, to be adapted to the various *crisis* of s provisions were to be read not with the unicipal code or a penal statute, but so ould illumine every sentence and phrase ven effect as a part of a harmonious frame- withstanding the doctrine of *stare decisis*, the Constitution, since they were beyond ld not be taken as the final word. They tion, in the light of new experience and isdom. Emphasis of the purposes of the of government, and the generality of its Process Clause, precluded the notion that cular set of social and economic ideas, to ich fair-minded men might hold, however with them. He was the stalwart defender ights of minorities. In the specific con- ndividual liberty and of freedom of speech adherence by all who wield the power of ples of the Constitution, he saw the great progressive society.

ed this Court as an institution which he ble implement for the maintenance of our ed that the Court's continued strength and n all else upon the thoroughness, integrity which its justices do its work. Because of rom every other activity; the work of the interest of his life. Intelligent and disin- ce of reason at the conference table he held e guaranties of the adequate performance

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

MONDAY,

of its great task. Although
desired any other assurance
bilities.

"Justice Brandeis's active
twenty-three years, from 191
Volumes 242 to 305 of our
range of questions which ca
period. They bear internal e
taking care with which they
validity of legislation or the
to new fact situations, his op
the results of his extensive
backgrounds of the questions
and accounts of the experie
statements of fact and law we
ceeding to their conclusion
sions of the principles of co
erty they rise to heights of di
the great examples of legal li
fice clarity to the turn of a ph
stood. For laymen as well a
of the legal aspects of the soci
Together they constitute one
history of this Court.

"Apart from the work of
home and in the intimate as
substantial means were deve
home life was austere in its
sonal influence over the liv
who came to him from ever
spiration in his counsel. H
troubled by declining stand
main the guiding principle
intellectual vigor and activ
ruffled by the misunderstan
unmerited. This was the o
troubled and serene, becaus
ultimate goal.

"The time has not yet co
a career so unusual and so
appraise now the great ser
and loyalty to the Court a
integrity, and independence

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued

DECEMBER 21, 1942 106

often in the minority, he never sought or that the Court would meet its responsi-

judicial service covered a period of 6 to 1939. His opinions, appearing in reports, cover every phase of the wide me before the Court in this transition vidence of the prodigious labor and pains- were prepared. In cases involving the application of statute or common law inions, like his briefs at the Bar, give us researches into the social and economic presented, buttressed by expert opinion nce in other states and countries. His re simple, direct, orderly, powerful, pro- with convincing logic. In their discus- nstitutional government and of civil lib- gnity and power which place them among terature. He was never willing to sacri- rase, for he wished above all to be under- e lawyers his opinions are a compendium al and economic phenomena of our times. of the most important chapters of the

the Court his life was centered in his sociations with family and friends. His ted largely to charity and by choice his simplicity. He exercised a unique per- es of men and women, young and old, y walk of life to seek guidance and in- le revived their faith that—in a world ards—right, justice, and truth must re- s of human conduct. Despite his great ity, his life was singularly placid, un- dings or criticism of others, however ter manifestation of an inner life, un- given to great ends, with truth as the

me to bring into its proper perspective far reaching in its influence, but we can vice which he rendered by his devotion s an institution and by the scholarship, with which he performed his judicial

IDERATION WHEREOF, It is ordered and adjudged by this t of the said Supreme Court, in this cause, be, and the d with costs; and that this cause be, and the same is said Supreme Court for further proceedings not incon- n of this Court.

Per Mr. Justice Douglas.

by Mr. Justice Frankfurter.

by Mr. Justice Murphy.

by Mr. Justice Jackson.

n of the n, and d States

itioners,

rica, ex

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

E came on to be heard on the transcript of the tates Circuit Court of Appeals for the Second Cir- counsel.

ERATION WHEREOF, It is now here ordered and adjudged rder of the said United States Circuit Court of be, and the same is hereby, set aside; and that this s hereby, remanded to the said Circuit Court of proceedings, not inconsistent with the opinion of propriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Joseph Thomas Murphy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

MONDAY,

labors. We know that becau
course of constitutional inte
courts, in the process of ad
than in the past, look for lig
ence of the world in which we
"We see him now as one
the words of the Resolution
taking his rightful place an
of the law who have given
assurance of its adequacy and

No. 29. O. B. Williams an
The State of North Carolina.
Court of the State of North C
and cause remanded to the s
ings not inconsistent with t
Mr. Justice Douglas. Concu
ter. Dissenting opinion by
ion by Mr. Justice Jackson.

No. 79. William A. Adam
hattan, and James E. Mulcah
The United States of Americ
tiorari to the United States
Circuit. Order of the Circ
remanded to the Circuit Cou
conformity with the opinion
Frankfurter. Dissenting op
Mr. Justice Black and Mr. J
by Mr. Justice Murphy.

No. 466. Department of
etc., petitioner, v. Louis H.
On petition for writ of certi
Petition for writ of certiorar
ion, *per curiam*, announced b

The Chief Justice announ
No. —, original. Ex par
for leave to file petition for

No. —, original. Ex par
for leave to file petition for w

No. 319. Fidelity Assur
et al., petitioners, v. Edgar

O. B. Williams and Lillie Shaver Hendrix,

Petitioners,

29 vs.

The State of North Carolina.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued

NSIDERATION WHEREOF, It is ordered and adjudged by this ent of the said Supreme Court, in this cause, be, and the rsed with costs; and that this cause be, and the same is the said Supreme Court for further proceedings not inconnion of this Court.

Per Mr. Justice Douglas.

ion by Mr. Justice Frankfurter.

ion by Mr. Justice Murphy.

ion by Mr. Justice Jackson.

den of the tan, and ted States

etitioners,

America, ex

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

AUSE came on to be heard on the transcript of the i States Circuit Court of Appeals for the Second Cir- by counsel.

IDERATION WHEREOF, It is now here ordered and adjudged order of the said United States Circuit Court of , be, and the same is hereby, set aside; and that this is hereby, remanded to the said Circuit Court of er proceedings, not inconsistent with the opinion of appropriate.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Dissenting opinion by Mr. Justice Murphy.

se he sat as a judge on this Court the rpretation has been altered and that judication, must henceforth, far more ht beyond the law books to the experilive.

of the influential men of his time—in of the Bar, wise, strong, and good—ong that small group of great figures to it new strength, and to us renewed hence that it will endure."

---

l Lillie Shaver Hendrix, petitioners, v. On writ of certiorari to the Supreme Carolina. Judgment reversed with costs aid Supreme Court for further proceedhe opinion of this Court. Opinion by rring opinion by Mr. Justice Frankfur- Mr. Justice Murphy. Dissenting opin-

s, Warden of the City Prison of Many, United States Marshal, petitioners, v. a, ex rel. Gene McCann. On writ of cer- Circuit Court of Appeals for the Second it Court of Appeals set aside and cause t of Appeals for further proceedings in of this Court. Opinion by Mr. Justice inion by Mr. Justice Douglas in which ustice Murphy join. Dissenting opinion

anking, State of Nebraska, as Receiver, Pink, Superintendent of Insurance, etc. rari to the Supreme Court of New York. i denied for want of jurisdiction. Opinby Mr. Chief Justice Stone.

---

nced the following orders of the Court: te John Mosher, petitioner. The motion writ of habeas corpus is denied.

e H. L. Meyers, petitioner. The motion rit of certiorari is denied.

ance Association, a corporation, debtor, B. Sims, Auditor, etc., et al. The motion

Department of Banking, State of Nebraska, as Receiver and Liquidating Agent of Farmers State Bank, Callaway, Nebraska,

Petitioner,

466 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, as Liquidator of the National Surety Company.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of jurisdiction.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - - -

Ex parte John Mosher,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte H. L. Meyers,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fidelity Assurance Association,
a Corporation, Debtor, et al.,

Petitioners,

319 vs.

Edgar B. Sims, Auditor of the
State of West Virginia, etc.,
et al.

ON CONSIDERATION of the motion of Ohio-Kentucky-Indiana Creditors Committee and A. Clyde Ross, Trustee, for leave to file a brief as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Ella Jamison,

Appellant,

558 vs.

The State of Texas.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of jurisdiction is postponed to the argument on the merits. Counsel are requested to discuss in their briefs and on the oral argument whether under the law and practice of Texas the judgment can be fully reviewed on this record by a higher state court by habeas corpus or other proceedings.

Per Mr. Chief Justice Stone.

Daisy Largent,

Appellant,

559 vs.

The State of Texas.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of jurisdiction is postponed to the argument on the merits. Counsel are requested to discuss in their briefs and on the oral argument whether under the law and practice of Texas the judgment can be fully reviewed on this record by a higher state court by habeas corpus or other proceedings.

Per Mr. Chief Justice Stone.

The Swan Carburetor Company, Petitioner,
530 vs.
Chrysler Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Murphy took no part in the consideration or decision of this application.

Ray L. Berry, Petitioner,
475 vs.
State of Ohio.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jack Marks, Petitioner,
506 vs.
John H. Hoffman, Receiver of the West Virginia Bank, an Insolvent State Banking Corporation.

On petition for writ of certiorari to the Circuit Court of Harrison County, State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Harrison County, State of West Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Katherine MacDonnell,

Petitioner,

522 vs.

Bank of America (a National Trust and Savings Association) Corporation of America, Capital Company, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Marcel Banke and George A. Gloor,

Petitioners,

527 vs.

Novadel-Agene Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Pennsylvania Company for Insurance on Lives and Granting Annuities, as Executor Under the Will of J. Walter Zebley, Deceased, et al.,

Petitioners,

531 vs.

James Lee Kauffman, as Executor of the Estate of William Rhodes Davis, Deceased, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

District Unemployment Compensation Board,

Petitioner,

533 vs.

International Reform Federation, a Body Corporate.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Antoinette Guiraudo Monks,

Appellant,

244 vs.

Ida Nancy Lee and Chester D. Gunn, as Special Administrator of the Estate of Louisa D. Hempel, Deceased.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Bunn,

Petitioner,

364 vs.

City of Atlanta.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hiram R. Edwards,

Petitioner,

561 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmond L. Viles,

Petitioner,

381 vs.

J. Foster Symes, Ivor O. Wingren, et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Honorable Michael J. Roche, United States District Judge, etc., et al.,

Petitioners,

584 vs.

Evaporated Milk Association, et al.

ON CONSIDERATION of the application to extend the time within which to serve the petition for writ of certiorari and record in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to and including January 11, 1943.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, January 4, 1943, at 12 o'clock.

MONDAY, JANUARY 4, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson. Associate Justices.

Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Alvin Olaf West, Esquire, of Nashville, State of Tennessee; Mary B. MacDonald, of Ithaca, State of New York; John W. MacDonald, Esquire, of Ithaca, State of New York, and J. Campbell Palmer, III, Esquire, of Charleston, State of West Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. J. Driscoll, It is ordered that Fred Philip Glick, Esquire, of New York, State of New York, and Carlyle E. Yates, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Wilson, It is ordered that Charles Woodrow Tye, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel Partridge, III, It is ordered that Albert W. Kauffmann, Esquire, of Bridgeton, State of New Jersey; Philip L. Lipman, Esquire, of Vineland, State of New Jersey, and Warren C. Lummis, Jr., Esquire, of Bridgeton, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - - - -

Charles Coryell, et al., Petitioners, vs. John S. Phipps and George J. Pilkington. — On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

246

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida.

Per Mr. Justice Douglas.

Thomas J. Pendergast, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

183

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Jackson.

Robert Emmett O'Malley, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

186

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Jackson.

Separate opinion by Mr. Justice Frankfurter.

Mr. Justice Murphy took no part in the consideration or disposition of this case.

A. L. McCormack, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

187

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Jackson.

Separate opinion by Mr. Justice Frankfurter.

Mr. Justice Murphy took no part in the consideration or disposition of this case.

Henry A. Kieselbach and Olga M. Kieselbach,

Petitioners,

184 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Clyde-Mallory Lines,

Petitioner,

265 vs.

Steamship "Eglantine" and the United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Louisiana.

Per Mr. Justice Black.

The United States of America,

Petitioner,

78 vs.

Victor N. Miller, Also Known as Vic Miller, John J. Humphrey, Also Known as John J. Humphrey, Sr., etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and that of the District Court affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Roberts.

Wm. A. Marshall, Deputy Commissioner, 14th Compensation District, U. S. Employees Compensation Commission, et al.,

Petitioners,

93 vs.

G. Pletz.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Oregon for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

Minnie Reese Richardson Wragg, Petitioner, vs. Federal Land Bank of New Orleans. — On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

172

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Middle District of Alabama for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Black took no part in the consideration or decision of this case.

The Detroit Bank, Formerly The Detroit Savings Bank, a Michigan Banking Corporation, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

156

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

State of Michigan, John J. O'Hara, Auditor General for the State of Michigan, et al.,

Petitioners,

214 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgments of the said United States Circuit Court of Appeals, in this cause, be, and the same are hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

W. B. Parker, Director of Agriculture, Agricultural Prorate Advisory Commission, Raisin Proration Zone No. 1, et al.,

Appellants,

46 vs.

Porter L. Brown.

Appeal from the District Court of the United States for the Southern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Corinne C. Waterman,

Appellant,

—— vs.

Interborough Rapid Transit Company.

On CONSIDERATION of the application submitted herein by Corinne C. Waterman,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte R. J. Hughes,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte F. M. Windsor,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Leslie Williams and Joe Bennett,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice.

Per Mr. Chief Justice Stone.

Ex parte Armin Ellerbrake,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William W. Boehman,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Board of County Commissioners of the County of Creek, State of Oklahoma, a Municipal Corporation, et al.,

Petitioners,

556 vs.

Evelyn Seber, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

In view of the Act of August 24, 1937, 28 U.S.C. section 401, the Court hereby certifies to the Attorney General of the United States that the constitutionality of Acts of June 20, 1936, and May 19, 1937, is drawn in question in this case.

Per Mr. Chief Justice Stone.

West Virginia State Board of Education, etc., et al.,

Appellants,

591 vs.

Walter Barnette, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

G. E. Myers, Trustee of the Estate of Marshall Reno Matley, Formerly Doing Business Under the Name and Style of Matley's Food Stores,

Petitioner,

540 vs.

Verna May Matley.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Allan D. Emil, as Trustee in Bankruptcy of John M. Russell, Inc.,

Petitioner,

551 vs.

Harry Hanley, Receiver.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Waterman Steamship Corporation, Order allowing certiorari.

Petitioner,

582 vs.

David E. Jones.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Pedro Aguilar, On petition for writ of certiorari

Petitioner, to the United States Circuit Court

454 vs. of Appeals for the Second Circuit.

Standard Oil Company of New Jersey.

The order of November 16, 1942, denying certiorari in this case is vacated, and the petition for writ of certiorari is granted. The case is assigned for argument immediately following No. 582, Waterman Steamship Corporation vs. Jones.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Joseph Galloway, by Freda Galloway, His Guardian,

Petitioner,

553 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Galloway, by Freda Galloway, His Guardian,

Petitioner,

553 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The City of North Chicago, John P. Dromey, Anton Macrowski, Jr., et al.,

Petitioners,

75 vs.

The Maccabees, a Corporation, The Maryland Casualty Company and Gust P. Santry.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Rutland Railroad Company's Receiver,

Petitioner,

526 vs.

Sidney Abner Lawrence.

On petition for writ of certiorari to the Supreme Court of the State of Vermont.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Vermont, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam Orlando,
Petitioner,
534 vs.
The State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paragon Land Corporation,
Petitioner,
535 vs.
Joseph P. Day and Bradley Delehanty, Trustees, etc.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Addison S. Pratt, as Trustee of Jacellen Realty Corporation, Debtor,
Petitioner,
542 vs.
Chemical Bank and Trust Company and The Continental Bank and Trust Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Rudolph and Charles Kudile, Co-partners Doing Business Under the Name of Kudile Bros., Hasbrouck Heights Dairy,

Petitioners,

545 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. S. Garlington, et vir,

Petitioners,

405 vs.

A. L. Wasson.

On petition for writ of certiorari to the Supreme Court of the State of Texas

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. H. Brinton, Debtor,

Petitioner,

536 vs.

The Federal Land Bank of Berkeley.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Bennie Sablowsky,
Petitioner,
546 vs.
Commonwealth of Pennsylvania.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leonard Sablowsky,
Petitioner,
547 vs.
Commonwealth of Pennsylvania.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Anne Miller,
Petitioner,
464 vs.
C. James Arrow.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a properly presented federal question.

Per Mr. Chief Justice Stone.

Mrs. Anne Miller,

Petitioner,

464 vs.

C. James Arrow.

ON CONSIDERATION of the motion to correct a diminution of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Herman Banning and Frank Williams,

Petitioners,

523 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Boro Hall Corp.,

Petitioner,

544 vs.

General Motors Corporation, General Motor Sales Corporation, William E. Holler, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Justice Roberts.

The Chief Justice and Mr. Justice Murphy took no part in the consideration or decision of this application.

Diana Beck,

Petitioner,

441 vs.

People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Diana Beck,

Petitioner,

441 vs.

People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George W. Kerr,

Petitioner,

565 vs.

James A. Johnston, Warden of the United States Penitentiary, Alcatraz Island, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George W. Kerr,

Petitioner,

565 vs.

James A. Johnston, Warden of the United States Penitentiary, Alcatraz Island, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William H. Padgett, Alias William Hayden,

Petitioner,

538 vs.

Ralph E. Benson, Warden, State House of Correction and Branch Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William H. Padgett, Alias William Hayden,

Petitioner,

538 vs.

Ralph E. Benson, Warden, State House of Correction and Branch Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

W. H. Seale,

Petitioner,

543 vs.

Fred Hunt, Warden.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

W. H. Seale,

Petitioner,

543 vs.

Fred Hunt, Warden.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Criminal Appeals of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Helen Roskas,

Petitioner,

562 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mrs. Helen Roskas,

Petitioner,

562 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Henry Hawk,

Petitioner,

541 vs.

Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Hawk,

Petitioner,

541 vs.

Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

ON CONSIDERATION of the motion to strike petitioner's reply brief in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Hawk,

Petitioner,

541 vs.

Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ex parte Cecil Wright,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Cecil Wright,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State Bank of Hardinsburg,

Petitioner,

23 vs.

Chancey Ray Brown and Mary G. Brown.

ON CONSIDERATION of the motion for leave to consider the petition for rehearing on typewritten copies,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

State Bank of Hardinsburg,

Petitioner,

23 vs.

Chancey Ray Brown and Mary G. Brown.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary M. Hughes,

Appellant,

176 vs.

John W. Wendel, County Treasurer of Butler County, Ohio, et al.

ON CONSIDERATION of the suggestion of a diminution of the record and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mary M. Hughes,

Appellant,

176 vs.

John W. Wendel, County Treasurer of Butler County, Ohio, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carlota Benitez de Seix, et al.,

Petitioners,

250 vs.

Ros Maria Anciani, et al.

ON CONSIDERATION of the petition for reconsideration of "Petition to Court" filed herein September 9th,

IT IS ORDERED by this Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

American Insurance Company, et al.,

Petitioners,

476 vs.

Edward L. Scheuffler (Successor), Superintendent, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Murphy took no part in the consideration or decision of this application.

Walter L. Mangus and Rose L. Mangus,

Petitioners,

74 vs.

Matthew A. Miller.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

G. F. Albin,

Petitioner,

234 vs.

Cowing Pressure Relieving Joint Company, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rau Construction Company,

Petitioner,

503 vs.

Phillips Petroleum Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paper Container Mfg. Company,

Petitioner,

505 vs.

Dixie-Vortex Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States,

Petitioner,

366 vs.

Brooks-Callaway Company.

Argued by Mr. Valentine Brookes for the petitioner and by Mr. George R. Shields for the respondent.

Hattie Mae Tiller, Executor, etc.,

Petitioner,

296 vs.

Atlantic Coast Line Railroad Company.

Argued by Mr. J. Vaughan Gary for the petitioner and by Mr. Collins Denny, Jr., and Mr. Thomas W. Davis for the respondent.

Jersey Central Power & Light Company,

Petitioner,

299 vs.

Federal Power Commission; and

New Jersey Power & Light Company,

Petitioner,

329 vs.

Federal Power Commission.

Four hours allowed for oral argument.

Argument commenced by Mr. Frederic P. Glick for the petitioner in No. 329 and continued by Mr. John W. MacDonald for the petitioner in No. 299.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, JANUARY 5, 1943.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that H. Grady Vien, Esquire, of East Saint Louis, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Robert Ming, Jr., It is ordered that Philip Marcus, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Carmody, It is ordered that Henry A. Mitchler, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Geo. E. H. Goodner, It is ordered that Scott Paul Crampton, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Sedgwick, It is ordered that Luther C. Rainwater, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - - -

Jersey Central Power & Light Company,

Petitioner,

299 vs.

Federal Power Commission; and

New Jersey Power & Light Company,

Petitioner,

329 vs.

Federal Power Commission.

Argument continued by Mr. John W. MacDonald for the petitioner in No. 299; by Mr. Allen E. Throop for the petitioner in No. 329; by Mr. Lester P. Schoene for the respondent; and concluded by Mr. Frederic P. Glick for the petitioner in No. 329.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

303 vs.

American Dental Co.

Argument commenced by Mr. Samuel H. Levy for the petitioner.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel W. McIntosh, It is ordered that Alton H. Rowland, Esquire, of Bartlesville, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Bernays Wiener, It is ordered that Elisha Avery Crary, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

303 vs.

American Dental Co.

Argument continued by Mr. John E. Hughes for the respondent and concluded by Mr. Samuel H. Levy for the petitioner.

Daniel O'Donnell,

Petitioner,

320 vs.

Great Lakes Dredge and Dock Company.

Argued by Mr. Walter F. Dodd for the petitioner and by Mr. Ezra L. D'Isa for the respondent.

The Creek Nation,

Petitioner,

321 vs.

The United States; and

The Seminole Nation,

Petitioner,

322 vs.

The United States.

Argument commenced by Mr. Paul M. Niebell for the petitioners and continued by Mr. Archibald Cox for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, JANUARY 7, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Joseph M. Hartfield, It is ordered that Fitzhugh McGrew, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Posey T. Kime, It is ordered that Francis E. Thomason, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that James Harold Macey, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Warren Hall Coutts, Jr., Esquire, of El Dorado, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The Creek Nation,

Petitioner,

321 vs.

The United States; and

The Seminole Nation,

Petitioner,

322 vs.

The United States.

Argument continued by Mr. Archibald Cox for the respondent and concluded by Mr. Paul M. Niebell for the petitioners.

Leave granted respondent to file additional brief tomorrow and to present supplemental memorandum thereafter.

Jerome Parker Jerome,

Petitioner,

325 vs.

The United States of America.

Argued by Mr. John T. Sapienza for the petitioner and by Mr. Assistant Attorney General Berge for the respondent.

William H. Dunn, Jr., and Raymond Krause,

Appellants,

77 vs.

The State of Ohio.

Argued by Mr. James H. Macey for the appellants and by Mr. Kenneth L. Sater for the appellee.

Howard S. Palmer, et al., as Trustees, etc.,

Petitioners,

300 vs.

Howard P. Hoffman, Individually and as Administrator, etc.

Argument commenced by Mr. Edward R. Brumley for the petitioners.

- - - - - - - - - - - - -

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas D. McBride, It is ordered that Arthur W. A. Cowan, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Foley, It is ordered that Stanley W. Schaefer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Howard S. Palmer, et al., as Trustees, etc.,

Petitioners,

300 vs.

Howard P. Hoffman, Individually, and as Administrator, etc.

Argument continued by Mr. Edward R. Brumley for the petitioners and concluded by Mr. William Paul Allen for the respondent.

Reconstruction Finance Corporation,

Petitioner,

387 vs.

Bankers Trust Company, Trustee; and

Reconstruction Finance Corporation,

Petitioner,

388 vs.

Bankers Trust Company, Trustee.

Argued by Mr. Paul A. Freund for the petitioner and by Mr. Joseph M. Hartfield for the respondent.

In Re William V. Bradley,

Petitioner.

473

Argued by Mr. Thomas D. McBride for the petitioner and by Mr. W. Marvin Smith for the respondent.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday next at 12 o'clock.

MONDAY, JANUARY 11, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Walter L. Bowers, It is ordered that Waldemar R. Augustine, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert S. Ward, It is ordered that James Benjamin Simmons, Esquire, of Washington, District of Columbia; Floyd G. Christian, Esquire, of Noblesville, State of Indiana, and Oscar F. Smith, Esquire, of Indianapolis, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl I. Wheat, It is ordered that Ward E. Dildine, Esquire, of Fort Wayne, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward A. Penprase, It is ordered that Carl A. Stutsman, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin J. Roess, Jr., It is ordered that Cecil C. Bailey, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Corinne L. Rice, It is ordered that Herbert R. Tews, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Murray R. Spies, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

278

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Endicott Johnson Corporation, and Howard A. Swartwood, Secretary, Endicott Johnson Corporation, Petitioners, vs. Frances Perkins, Secretary of Labor of the United States. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

142

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of New York.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Roberts joins.

Carter H. Harrison, Individually and as Collector of Internal Revenue, First Collection District of Illinois,

Petitioner,

103 vs.

The Northern Trust Company and Mary E. Kaufman, Executors Under the Last Will and Testament of Henry M. Wolf, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Norvel H. Lilly,

Petitioner,

124 vs.

Grand Trunk Western Railroad Company.

On writ of certiorari to the Appellate Court of the State of Illinois, First District.

THIS CAUSE came on to be heard on the transcript of the record from the Appellate Court of the State of Illinois, First District, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Appellate Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Appellate Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Frankfurter concurs in the result.

The Public Utilities Commission of Ohio, George McConnaughey, Chairman of said Commission, et al., Appellants, vs. United Fuel Gas Company, et al.

Appeal from the District Court of the United States for the Southern District of Ohio.

87

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

The United States of America, Appellant, vs. William P. Monia and L. Aubrey Williams.

Appeal from the District Court of the United States for the Northern District of Illinois.

248

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Douglas joins.

Sterling P. Harris, Administrator of the Estate of Anna L. Harris, Deceased, Debtor,

Petitioner,

268 vs.

Zion Savings Bank and Trust Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Natural Milk Producers Association of California, a Corporation, et al.,

Appellants,

385 vs.

The City and County of San Francisco, Angelo J. Rossi, as Mayor, et al.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, vacated without costs to either party in this Court; and that this cause be, and the same is hereby, remanded to the said Supreme Court for such further proceedings as it may deem appropriate.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

In re Disbarment of Edward H. Coulter.

—.

Edward H. Coulter, a member of the Bar of this Court, having made return in response to the rule to show cause issued on November 23, 1942, and the Court having duly considered the return, the rule to show cause is discharged.

Per Mr. Chief Justice Stone.

In re Disbarment of Frank C. Sibley.

—.

Frank C. Sibley, a member of the Bar of this Court, having made return in response to the rule to show cause issued on November 23, 1942, and the Court having duly considered the return, the rule to show cause is discharged.

Per Mr. Chief Justice Stone.

Ex parte Taylor Seals,

Petitioner.

—, Original.

ON CONSIDERATION of the application submitted herein by Taylor Seals,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. M. Anderson, Receiver, etc.,

Petitioner,

497 vs.

Katherine Kirkpatrick Abbott, Administratrix, etc., et al.

ON CONSIDERATION of the application to consider certain records in other cases in connection with the record in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

National Labor Relations Board, Order allowing certiorari.

Petitioner,

557 vs.

Goodyear Tire & Rubber Company of Alabama and Etowah Rubber Workers Organization, Inc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Board of County Commissioners of the County of Creek, State of Oklahoma, a Municipal Corporation, et al., Order allowing certiorari.

Petitioners,

556 vs

Evelyn Seber, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Frank Tot, Petitioner, vs. The United States of America. — Order allowing certiorari.

569

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, limited to the 4th and 5th questions stated in the Government's memorandum.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Warren Telephone Company, Petitioner, vs. Guy T. Helvering, Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

550

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Charles T. Kline, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

560

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Gretta Lafuente,
Petitioner,
566 vs.
County of Los Angeles.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Howard Carwile,
Petitioner,
567 vs.
Commonwealth of Virginia and State Board of Health as Operator of Blue Ridge Sanitarium.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Consolidated Expanded Metal Companies,
Petitioner,
568 vs.
United States Gypsum Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Justine L. Lambert, Individually and as Executrix of the Last Will and Testament of Francois Lambert, Also Known as Frank Lambert, Deceased,

Petitioner,

572 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Charles M. Thomson, Trustee of the Chicago and North Western Railway Company (Substituted for Charles P. Megan, Trustee),

Petitioner,

573 vs.

Mary B. Sevier, Administratrix of the Estate of Albert E. Sevier, Deceased.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur S. Humes,

Petitioner,

574 vs.

Missouri Supreme Court, et al.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carlota Benitez De Seix, et al.,

Petitioners,

250 vs.

Ros Maria Anciani, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Carlota Benitez De Seix, et al., Petitioners, 250 vs. Ros Maria Anciani, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Harry C. Kelly,

Petitioner,

398 vs.

James A. Johnston, Warden,
United States Penitentiary,
Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harry C. Kelly,

Petitioner,

398 vs.

James A. Johnston, Warden,
United States Penitentiary,
Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Cecil C. Crebs,

Petitioner,

563 vs.

Milton F. Amrine, Warden of the
Kansas State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Cecil C. Crebs,

Petitioner,

563 vs.

Milton F. Amrine, Warden of the
Kansas State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Vivian Wycliff Buie,

Petitioner,

459 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted. The order heretofore entered denying certiorari is vacated. The application filed with the Clerk of this Court on June 5, 1942, will be treated as a petition for certiorari.

Per Mr. Chief Justice Stone.

Martin J. Bernards and Lena Bernards,

Petitioners,

2, October Term, 1941. vs.

M. R. Johnson, et al.

ON CONSIDERATION of the motion to recall the mandate of this Court in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jessie William Miller,

Petitioner,

76 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Opal Saxton Davis,

Petitioner,

86 vs.

Department of Labor and Industries of the State of Washington.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alex Ranieri,

Petitioner,

463 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Van Wormer,

Petitioner,

509 vs.

The Champion Paper & Fibre Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Roddenberry,

Appellant,

537 vs.

State of Florida.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eunice E. Eastman,

Petitioner,

516 vs.

Guaranty Trust Company of New York, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

- - - - - - - - - - - -

The Court will take a recess from Monday, January 18, until Monday, February 1, next.

- - - - - - - - - - - -

H. T. Overstreet, R. Brazle, and L. L. Garvin,

Petitioners,

284 vs.

North Shore Corporation.

Argued by Mr. Lucien H. Boggs for the petitioners; by Mr. Assistant Attorney General Shea for the Administrator of the Wage and Hour Division, United States Department of Labor, as amicus curiae, by special leave of Court; and by Mr. Roswell P. C. May for the respondent.

The Interstate Commerce Commission, et al.,

Appellants,

175 vs.

Inland Waterways Corporation, et al.

Three hours allowed for oral argument.

Argument commenced by Mr. Daniel H. Kunkel for the appellant, Interstate Commerce Commission, and continued by Mr. Nuel D. Belnap for the appellees, Inland Waterways Corporation, et al.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Ben G. Sewell, Esquire, of Houston, State of Texas, and Samuel H. Peak, Esquire, of Houston, State of Texas, were admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene C. Taylor, It is ordered that Carl Blanchfield, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin A. Meeers, It is ordered that John Manfred Hager, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The Interstate Commerce Commission, et al.,

Appellants,

175 vs.

Inland Waterways Corporation, et al.

Argument continued by Mr. Edward B. Hayes for appellee, A. L. Mechling; by Mr. W. Carroll Hunter for appellee, Secretary of Agriculture of

the United States; and concluded by Mr. Frank H. Cole, Jr., for appellants, Baltimore and Ohio Railroad Company, et al.; and case submitted by Mr. Bryce L. Hamilton and Mr. A. B. Enoch for appellants, The Alton Railroad Company and other Western carriers.

Illinois Commerce Commission,
et al.,

Appellants,

178 vs.

Charles M. Thomson, as Trustee,
etc.

Argued by Mr. William C. Wines for the appellants and by Mr. Nye P. Morehouse for the appellee.

Pacific Coast Dairy, Inc.,

Appellant,

275 vs.

Department of Agriculture of
the State of California, et al.

Argument commenced by Mr. Carey Van Fleet for the appellant and continued by Mr. Solicitor General Fahy for The United States, as amicus curiae, by special leave of Court.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, JANUARY 13, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Joseph M. Broderick, It is ordered that S. Bertram Friedman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert W. Perkins, It is ordered that Stuart H. Aarons, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Armstrong, It is ordered that Frank C. Tribbe, Esquire, of El Dorado, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Christian Dorbandt, It is ordered that Chas. F. Potter, Esquire, of Tyler, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Kane, It is ordered that Martin H. Young, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Hilton Levy, It is ordered that Samuel Walter Ross Langdon, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Department of Banking, State of Nebraska, as Receiver, etc.,

Petitioner,

466 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, etc.

Time within which to file petition for rehearing extended to and including February 15, next, on motion of counsel for the petitioner.

- - - - - - - - - - - - -

Pacific Coast Dairy, Inc.,

Appellant,

275 vs.

Department of Agriculture of the State of California, et al.

Argument continued by Mr. Solicitor General Fahy for the United States, as amicus curiae, by special leave of Court, and concluded by Mr. Walter L. Bowers for the appellees.

Penn Dairies, Inc., and The United States of America,

Appellants,

399 vs.

The Milk Control Commission of the Commonwealth of Pennsylvania.

Argued by Mr. Solicitor General Fahy for appellant, The United States; by Mr. Harris H. Arnold for appellant, Penn Dairies, Inc.; and by Mr. Frank E. Coho for the appellee.

Maurice Mandeville, as Trustee,
etc., et al.,

Petitioners,

422 vs.

Greek Miller Canterbury.

Argued by Miss Corinne L. Rice for the petitioners and by Mr. Herbert T. Tews for the respondent.

Wilder Tileston,

Appellant,

420 vs.

Abraham S. Ullman, State's
Attorney, et al.

Argument commenced by Mr. Morris L. Ernst for the appellant.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, JANUARY 14, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Dean Hill Stanley, It is ordered that Jacob John Schulman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that Harry J. Sapper, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Beers, It is ordered that J. Warren Upson, Esquire, of Waterbury, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Gray, It is ordered that Lester J. Schaffer, Esquire, of Philadelphia, State of Pennsylvania, and Martin Bloom, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry J. Sapper, It is ordered that Sydney J. Silverstein, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

George Logue and Sue Logue,

Petitioners,

—— vs.

The State of South Carolina.

ON CONSIDERATION of the application for a stay of execution in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy Largent,

Petitioner,

349 vs.

Jack Reeves, City Marshal.

ON CONSIDERATION of the motion for leave to file a petition for rehearing and of the petition for rehearing in this case,

IT IS ORDERED by this Court that the motion for leave to file be, and the same is hereby, granted, and that the petition for rehearing be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy Largent,

Petitioner,

349 vs.

Jack Reeves, City Marshal.

ON CONSIDERATION of the application for bail in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Wilder Tileston,

Appellant,

420 vs.

Abraham S. Ullman, State's Attorney, et al.

Argument continued by Mr. Morris L. Ernst and by Mr. Edwin Borchard for the appellant; by Mr. William L. Beers for the appellees; by Mr. Morris L. Ernst for the appellant; and concluded by Mr. Abraham S. Ullman for the appellees.

Hurlbut W. Smith,

Petitioner,

429 vs.

Frank J. Shaughnessy, Collector of Internal Revenue, etc.

Argued by Mr. Ellsworth C. Alvord for the petitioner and by Mr. Arnold Raum for the respondent.

Meta Biddle Robinette,

Petitioner,

499 vs.

Guy T. Helvering, Commissioner of Internal Revenue, and

Elise Biddle Paumgarten,

Petitioner,

500 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Argued by Mr. Henry A. Mulcahy for the petitioner and by Mr. Arnold Raum for the respondent.

Leave granted petitioner to file a reply brief tomorrow.

Fred Fisher Music Co., Inc.,
et al.,

Petitioners,

327 vs.

M. Witmark & Sons.

Argument commenced by Mr. John Schulman for the petitioners and continued by Mr. Robert W. Perkins for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. W. T. Anglin, It is ordered that Geo. W. Cunningham, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip J. Hennessey, Jr., It is ordered that Isaac Watlington Digges, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irvine L. Lenroot, It is ordered that Frederick William Smith, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

William A. Adams, Warden of the City Prison of Manhattan and James E. Mulcahy, United States Marshal,

Petitioners,

79 vs.

The United States of America, ex rel. Gene McCann.

ON CONSIDERATION of the application for a stay of the mandate

IT IS ORDERED by this Court that the mandate in this case, be, and the same is hereby, stayed pending disposition of the petition for rehearing filed herein.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Fred Fisher Music Co., Inc., et al.,

Petitioners,

327 vs.

M. Witmark & Sons.

Argument continued by Mr. Robert W. Perkins for the respondent and concluded by Mr. John Schulman for the petitioners.

Enoch L. Johnson,

Petitioner,

273 vs.

The United States of America.

Argued by Mr. William A. Gray for the petitioner and by Mr. Solicitor General Fahy for the respondent.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, January 18, next.

MONDAY, JANUARY 18, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Irwin D. Shapiro, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Emanuel Weitz, It is ordered that Charles A. Rooney, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lord O'Brian, It is ordered that Robert McC. Marsh, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benedict Deinard, It is ordered that Alan W. Joslyn, Esquire, of Bethesda, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert P. Harland, It is ordered that Warner Edmonds, Jr., Esquire, of Santa Barbara, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that George Goldstein, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Walter Heineman, It is ordered that I. Morton Meyers, Esquire, of Johnstown, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Sapienza, It is ordered that Gustav B. Margraf, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Terminal Railroad Association of St. Louis,

Appellant,

vs.

Brotherhood of Railroad Trainmen, Richard Abram, Chairman and State Legislative Representative, and Illinois Commerce Commission.

Appeal from the Supreme Court of the State of Illinois.

218

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Jackson.

National Labor Relations Board,
Petitioner,
vs.
Indiana & Michigan Electric Company, and Michiana Electrical Utility Workers Association.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

73

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,
Petitioner,
vs.
Jacksonville Paper Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

336

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court and, as so modified, affirmed.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida.

Per Mr. Justice Douglas.

Ansel Higgins,

Petitioner,

97 vs.

Carr Brothers Company.

On writ of certiorari to the Supreme Judicial Court of the State of Maine.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Judicial Court of the State of Maine, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Judicial Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Douglas.

Margaret M. Brady, as Administratrix of James P. Brady, Deceased,

Petitioner,

269 vs.

Roosevelt Steamship Company, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

The United States of America ex rel. Morris L. Marcus, and Morris L. Marcus in His Own Behalf,

Petitioners,

173 vs.

William F. Hess, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs and that of the District Court affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania.

Per Mr. Justice Black.

Mr. Justice Murphy took no part in the consideration or disposition of this case.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Jackson.

The United States of America, on Relation of Samuel Ostrager and Samuel Ostrager, in His Own Behalf,

Petitioner,

236 vs.

New Orleans Chapter, Associated General Contractors of America, Inc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Murphy took no part in the consideration or disposition of this case.

Mr. Justice Frankfurter joins in this opinion but concurs on the question of double jeopardy for the reasons set forth in his opinion in No. 173, United States ex rel. Marcus v. Hess.

Dissenting: Mr. Justice Jackson.

American Medical Association, a Corporation,

Petitioner,

201 vs.

The United States of America.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Roberts.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

The Medical Society of the District of Columbia, a Corporation,

Petitioner,

202 vs.

The United States of America.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Roberts.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

Wade Holley,

Petitioner,

600 vs.

R. H. Lawrence, Warden of the State Penitentiary of Georgia.

Appeal from the Supreme Court of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - - -

The Almer Railway Equipment Company, et al.,

Appellants,

564 vs.

The Commissioner of Taxation.

Appeal from the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mrs. L. V. Holley,

Appellant,

601 vs.

R. H. Lawrence, Warden of the State Penitentiary of Georgia.

ON CONSIDERATION of the motion for leave to file the statement of jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mrs. L. V. Holley,

Appellant,

601 vs.

R. H. Lawrence, Warden of the State Penitentiary of Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mrs. L. V. Holley,

Appellant,

601 vs.

R. H. Lawrence, Warden of the State Penitentiary of Georgia.

Appeal from the Supreme Court of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction on the authority of Wade Holley v. Lawrence, No. 600, decided January 18, 1943.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Ex parte Dorsey Edmondson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ellert L. McGrath,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Republic of Peru,
Owner of the Peruvian Steamship "Ucayali",

Petitioner.

—, Original.

A rule is ordered to issue, returnable Monday, February 1 next, requiring the respondents to show cause why leave to file the petition for writ of prohibition and/or mandamus should not be granted. The cause is set for argument on the rule and return on Monday, February 8 next.

Counsel are requested to discuss in their briefs and on the oral argument the question of the jurisdiction of this Court to entertain the petition and to grant the relief sought, and to discuss the effect of the failure to present the application to the Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

Sun Oil Company, et al., — Order allowing certiorari.

Petitioners,

496 vs.

G. E. Burford, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Bertha A. Owens, Executrix of the Estate of Leyle F. Owens, Deceased, — Order allowing certiorari.

Petitioner,

580 vs.

Union Pacific Railroad Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Southland Gasoline Company, — Order allowing certiorari.

Petitioner,

581 vs.

J. W. Bayley, Henry V. Bloom, G. C. Kendall, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Federal Communications Commission,
Petitioner,

585 vs.

National Broadcasting Company, Inc., (K O A), et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Wayne N. Mason, Administrator of the Estate of William S. Mason, Deceased,
Petitioner,

281 vs.

The Federal Land Bank of Berkeley, a Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

West Publishing Company,
Petitioner,

549 vs.

Superior Court of the State of California, in and for the City and County of San Francisco.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Max Rockmore, as Trustee in Bankruptcy of Surf Advertising Corporation,

Petitioner,

571 vs.

Mathilde Lehman and Joseph S. Abrams.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Suffolk Securities Corporation,

Petitioner,

583 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Massachusetts Bonding and Insurance Company,

Petitioner,

588 vs.

The Winters National Bank and Trust Company of Dayton, Ohio, as Administrator De Bonis Non, with the Will Annexed of the Estate of Robert Chambers, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Chicago, St. Paul, Minneapolis & Omaha Railway Company,

Petitioner,

590 vs.

Amelia Muldowney, as Special Administratrix of the Estate of Harry Muldowney, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Robert E. Kleinschmidt,

Petitioner,

592 vs.

Globe-Democrat Publishing Company.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William A. Davidson, Isaac Shendell, Carl S. Bresnick and Helen Segal,

Petitioners,

598 vs.

Frederick H. Hurdman and Others Comprising the Firm of Hurdman & Cranstoun.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Okin,
Petitioner,
576 vs.
Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Oscar William South,
Petitioner,
570 vs.
Railroad Retirement Board.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Oscar William South,
Petitioner,
570 vs.
Railroad Retirement Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Floyd Brewer,

Petitioner,

575 vs.

Milton F. Amrine, Warden of the Kansas State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Floyd Brewer, Petitioner, 575 vs. Milton F. Amrine, Warden of the Kansas State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William A. Adams, Warden, etc., et al.,

Petitioners,

79 vs.

The United States of America ex rel. Gene McCann.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William A. Adams, Warden, etc., et al.,

Petitioners,

79 vs.

The United States of America ex rel. Gene McCann.

ORDER

The opinion is amended so that the last paragraph reads as follows: "The order of the Circuit Court of Appeals must therefore be set aside and the cause remanded to that court for such further proceedings, not inconsistend with this opinion, as may be appropriate." The judgment is amended accordingly.

Per Mr. Chief Justice Stone.

Henry Anton Pfister,

Petitioner,

26 vs.

Northern Illinois Finance Corporation, et al.; and

Henry Anton Pfister,

Petitioner,

27 vs.

Northern Illinois Finance Corporation, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Forrest Holiday,

Petitioner,

507 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sam Orlando,

Petitioner,

534 vs.

The State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, February 1, at 12 o'clock.

MONDAY, FEBRUARY 1, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Joseph Wahrhaftig, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Edgar H. Snodgrass, Esquire, of Crossville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Bernard Chertcoff, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Worley, It is ordered that Binford Arney, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilber Stammler, It is ordered that Daniel G. Albert, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Sophronia Jane Lasica, It is ordered that Wilbur Rogers, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leslie C. Hardy, It is ordered that Harold R. Scoville, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that Lee E. Baker, Esquire, of Lake Village, State of Arkansas, and Oren Harris, Esquire, of El Dorado, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Pye Burnett, Jr., It is ordered that John B. Dudley, Esquire, of Oklahoma City, State of Oklahoma, and Gerald P. Rosen, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Ralph E. Bowers, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edgar J. Goodrich, It is ordered that Hamilton Lehr Fess, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence M. Fisher, It is ordered that Frederick L. Bissinger, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Marion Glass, It is ordered that Ward Monroe French, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Hughes, Jr., It is ordered that Bernard L. Alderman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The United States, Petitioner, vs. Brooks-Callaway Company. 366

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims with instructions to determine whether respondent is concluded by the findings of the contracting officer, and, if not, for a finding by the court whether the 183 days of high water or any part of that time were in fact foreseeable.

Per Mr. Justice Murphy.

H. T. Overstreet, R. Brazle and L.L. Garvin,

Petitioners,

284 vs.

North Shore Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting: Mr. Justice Roberts and Mr. Justice Jackson.

Jerome Parker Jerome,

Petitioner,

325 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Vermont for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Howard S. Palmer, Henry B. Sawyer and James Lee Loomis, as Trustees for the New York, New Haven and Hartford Railroad Company,

Petitioners,

300 vs.

Howard F. Hoffman, Individually and as Administrator of the Goods, Chattels and Credits which were of Inez Hoffman, Also Known as Inez T. Spraker Hoffman, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York.

Per Mr. Justice Douglas.

Securities and Exchange Commission,

Petitioner,

254 vs.

Chenery Corporation, H. M. Erskine, R. H. Neilson, et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered by this Court that this cause be, and the same is hereby, remanded to the said Court of Appeals with directions to remand to the Securities and Exchange Commission for such further proceedings, not inconsistent with the opinion of this Court, as may be appropriate.

Per Mr. Justice Frankfurter.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed and Mr. Justice Murphy concur.

Ziffrin, Incorporated,
Appellant,
vs.
The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Southern District of Indiana.

245

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Reed.

Hattie Mae Tiller, Executor of the Estate of John Lewis Tiller, Deceased,
Petitioner,
vs.
Atlantic Coast Line Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

296

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Virginia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Frankfurter.

In re William V. Bradley, Petitioner. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

473

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions that the petitioner be discharged from custody.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Chief Justice Stone.

Daniel O'Donnell, Petitioner, vs. Great Lakes Dredge and Dock Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

320

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Wilder Tileston,

Appellant,

420 vs.

Abraham S. Ullman, State's Attorney and Fred Trotta, City Attorney of the City of New Haven.

Appeal from the Supreme Court of Errors of the State of Connecticut.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Errors of the State of Connecticut, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Stone.

Maurice Mandeville, as Trustee Under the Last Will and Testament of Richard A. Canterbury, Deceased, etc., et al.,

Petitioners,

422 vs.

Greek Miller Canterbury.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois with directions to vacate the injunction order.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice announced the following order of the Court:

- - - - - - - - - - - - -

The United States of America,
Appellant,
631 vs.
George C. Nickerson.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed on the authority of Jerome v. United States, No. 325, decided February 1, 1943.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - - -

Thelma Martin,
Appellant,
238 vs.
City of Struthers, Ohio.

O R D E R

Upon reconsideration, the judgment entered herein October 12, 1942, is vacated, the mandate is recalled, and probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

626 vs.

Radio Corporation of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The Interstate Commerce Commission, et al.,

Appellants,

628 vs.

Columbus and Greenville Railway Company.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

629 vs.

Philip Lepowitch and Marvin Spector.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Charles M. Thomson, Trustee of the Property of Chicago and North Western Railway Company,

Petitioner,

577 vs.

Industrial Commission of Illinois (Herman E. Stoll)

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Helms Bakeries, a Corporation, Petitioner, vs. State Board of Equalization of the State of California, et al. — On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

578

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Cushman Motor Works, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

586

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Galban Lobo Company, S. A., Petitioner, vs. Leon Henderson. — On petition for writ of certiorari to the United States Emergency Court of Appeals.

596

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mable Swales Fairclaw,
Petitioner,
599 vs.
John Forrest.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

S. H. Squire, Superintendent of Banks of the State of Ohio, in Charge of the Liquidation of the Business and Property of the Union Trust Company,
Petitioner,
604 vs.
Cliffe U. Merriam.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,
Petitioner,
418 vs.
Goldblatt Brothers, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Caron Corporation,

Petitioner,

602 vs.

R. K. O. Radio Pictures, Inc.

On petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Appellate Division, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Ohio, on the Relation of S. H. Squire, Superintendent of Banks in Charge of the Liquidation of the Union Trust Company of Cleveland, Ohio,

Petitioner,

603 vs.

Clarence H. Porter.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles G. Guth, on His Own Behalf and on Behalf and for the Benefit of all Other Stockholders of Phoenix Securities Corporation,

Petitioner,

605 vs.

Wallace Groves and W. W. Colpitts.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Schlumberger Well Surveying Corporation,

Petitioner,

612 vs.

Halliburton Oil Well Cementing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Arkansas Fuel Oil Company,

Petitioner,

618 vs.

Magrath Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

A. G. Nulsen, Jr., Executor of the Estate of A. G. Nulsen, Deceased,

Petitioner,

638 vs.

National Lead Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Carl Halferty and J. B. Halferty, Doing Business as Halferty Brothers, et al.,

Petitioners,

652 vs.

Hawkeye Casualty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Pacific Gas and Electric Company,

Petitioner,

579 vs.

Sacramento Municipal Utility District.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Leemon Reece and James Dewey Hipp,

Petitioners,

548 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edmond L. Viles,

Petitioner,

587 vs.

The Prudential Insurance Company of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edmond L. Viles,

Petitioner,

587 vs.

The Prudential Insurance Company of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Charles Coates,

Petitioner,

611 vs.

R. H. Lawrence, Superintendent and Warden of the Georgia State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Coates,

Petitioner,

611 vs.

R. H. Lawrence, Superintendent and Warden of the Georgia State Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ruffie Lundon,

Petitioner,

594 vs.

L. P. Chapman, Keeper of the Florida State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ruffie Lundon,

Petitioner,

594 vs.

L. P. Chapman, Keeper of the Florida State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. L. Stewart,

Petitioner,

620 vs.

Honorable A. F. St. Sure, United States District Judge for the Northern District of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

J. L. Stewart,

Petitioner,

620 vs.

Honorable A. F. St. Sure, United States District Judge for the Northern District of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Corinne C. Waterman,

Appellant,

—— vs.

Interborough Rapid Transit Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ellert L. McGrath,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Corinne C. Waterman,

Petitioner,

226 vs.

Colonel Somervell, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Diana Beck,

Petitioner,

441 vs.

People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Anne Miller,

Petitioner,

464 vs.

C. James Arrow.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George W. Kerr,

Petitioner,

565 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur S. Humes,

Petitioner,

574 vs.

Missouri Supreme Court, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wade Holley,

Appellant,

600 vs.

R. H. Lawrence, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Natural Milk Producers Association of California, a Corporation, et al.,

Appellants,

385 vs.

The City and County of San Francisco, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert L. Peyton,

Petitioner,

903 October Term, 1941 vs.

Railway Express Agency, Inc., et al.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles O'Keith,

Petitioner,

444 vs.

James A. Johnston, Warden, etc.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The United States of America,

Complainant,

—, Original. vs.

The State of Louisiana, et al.

Motion on behalf of the United States for leave to file bill to perpetuate testimony presented.

The United States of America,

Appellant,

514 vs.

French Bauer, Incorporated, et al.

Appeal from the District Court of the United States for the Southern District of Ohio.

IT APPEARING to the Court that counsel for the appellant has filed a motion to dismiss the appeal in this case,

THEREFORE, pursuant to said motion, it is ordered by this Court that the appeal herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. R. Gordon Whitman,

Petitioner,

72 vs.

Joseph H. Wilson, as Warden, etc.

Argued by Mr. Charles E. Hughes, Jr., for the petitioner and by Mr. Bernard L. Alderman for the respondent.

George Sylvester Viereck,

Petitioner,

458 vs.

The United States of America.

Argument commenced by Mr. O. R. McGuire for the petitioner and continued by Mr. Assistant Attorney General Berge for the respondent.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, FEBRUARY 2, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Aaron Narol, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Ashurst, It is ordered that Alfred Ronstadt, Esquire, of Tucson, State of Arizona, and Richard F. Harless, Esquire, of Phoenix, State of Arizona, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Francis Reilly, It is ordered that John Page Marshall, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Wilson, It is ordered that Harold K. Norton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chas. J. Biddle, It is ordered that Rawdon Libby, Esquire, of Philadelphia, State of Pennsylvania; James McMullan, Esquire, of Philadelphia, State of Pennsylvania, and Bertram Bennett, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman J. Morrisson, It is ordered that E. Guy Hammond, Esquire, of Akron, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Archibald King, It is ordered that Robert M. Cook, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meredith M. Daubin, It is ordered that Frederick Stueck, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Franklin D. Trueblood, It is ordered that Carl O. Olson, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert S. Ward, It is ordered that John Howard Joynt, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham R. Miller, It is ordered that Milton Mallin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert R. Grossman, It is ordered that Morris D. Schwartz, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles I. Schottland, It is ordered that Leonard Horwin, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James R. Kirkland, It is ordered that Henry J. Ridgely, Esquire, of Dover, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

George Sylvester Viereck,

Petitioner,

458 vs.

The United States of America.

Argument continued by Mr. Assistant Attorney General Berge for the respondent and concluded by Mr. O. R. McGuire for the petitioner.

Le Roy J. Leishman,

Petitioner,

332 vs.

Associated Wholesale Electric Company, a corporation.

Argued by Mr. John Flam for the petitioner and by Mr. Samuel E. Darby, Jr., for the respondent.

Maricopa County, Arizona, et al.,

Petitioners,

449 vs.

The Valley National Bank of Phoenix.

Argued by Mr. Gerald Jones and Mr. Leslie C. Hardy for the petitioners and by Mr. J. L. Gust for the respondent.

Corn Exchange National Bank and Trust Company, Philadelphia, et al.,

Petitioners,

452 vs.

Norman Klauder, Trustee, etc.

Argument commenced by Mr. Charles J. Biddle for the petitioners.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that Leonard Eriksson, Esquire, of Fergus Falls, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rowland Edwards, It is ordered that Burton A. McGann, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Levi H. David, It is ordered that Herbert M. Karp, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Corn Exchange National Bank and Trust Company, Philadelphia, et al.,

Petitioners,

452 vs.

Norman Klauder, Trustee, etc.

Argument continued by Mr. Charles J. Biddle for the petitioners; by Mr. Bertram Bennett for the respondent; and concluded by Mr. Charles J. Biddle for the petitioners.

Marshall Field & Company,

Petitioner,

453 vs.

National Labor Relations Board.

Argued by Mr. Ralph E. Bowers for the petitioner and by Mr. Robert B. Watts for the respondent.

Hoopeston Canning Co., E. Pritchard, Inc., et al.,

Appellants,

358 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, et al.

ON CONSIDERATION of the motion to substitute Thomas J. Cullen, present Superintendent of Insurance of the State of New York, and Nathaniel L. Goldstein, present Attorney General of the State of New York, as the parties appellee herein in the place and stead of Louis H. Pink and John J. Bennett, Jr., respectively,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Hoopeston Canning Co., E. Pritchard, Inc., et al.,

Appellants,

358 vs.

Thomas J. Cullen, Superintendent of Insurance of the State of New York, et al.

Argument commenced by Mr. Franklin D. Trueblood for the appellants and continued by Mr. John C. Crary, Jr., for the appellees.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, FEBRUARY 4, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. C. Jasper Bell, It is ordered that Homer A. Cope, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Koplovitz, It is ordered that Herman M. Katcher, Esquire, of Saint Louis, State of Missouri, and Martin A. Rosenberg, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Flournoy Roberson, It is ordered that George B. Turner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph P. Miller, It is ordered that Benton A. Bull, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Hoopeston Canning Co., E. Pritchard, Inc., et al.,

Appellants,

358 vs.

Thomas J. Cullen, Superintendent of Insurance, etc., et al.

Argument continued by Mr. John C. Crary, Jr., for the appellees and concluded by Mr. Franklin D. Trueblood for the appellants.

Joseph De Zon,

Petitioner,

436 vs.

American President Lines, Ltd.

Argued by Mr. Herbert Resner for the petitioner and by Mr. Edward F. Treadwell for the respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

518 vs.

Sabine Transportation Company, Inc.

Argued by Mr. Arnold Raum for the petitioner and by Mr. Charles I. Francis for the respondent.

Federal Security Administrator,

Petitioner,

424 vs.

The Quaker Oats Company.

Argument commenced by Mr. Valentine Brookes for the petitioner.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed, Associate Justices.
Felix Frankfurter,
William O. Douglas,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Justin Leroy Johnson, It is ordered that Nathaniel A. Brown, Esquire, of Stockton, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald V. Hunter, It is ordered that Charles T. Akre, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Department of Banking, State of Nebraska, as Receiver, etc.,

Petitioner,

466 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, as Liquidator, etc.

ON CONSIDERATION of the motion of counsel for the petitioner to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 15 next.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Federal Security Administrator,

Petitioner,

424 vs.

The Quaker Oats Company.

Argument continued by Mr. George I. Haight for the respondent and concluded by Mr. Valentine Brookes for the petitioner.

Clearfield Trust Company, a corporation, et al.,

Petitioners,

490 vs.

The United States of America.

Argued by Mr. Paul A. Freund for the respondent and case submitted by Mr. Roswell Dean Pine, Jr., for the petitioners.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

MONDAY, FEBRUARY 8, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Newell A. Clapp, Esquire, of Chicago, State of Illinois; Grover C. Sherrod, Esquire, of Humboldt, State of Tennessee, and Joseph York Houghton, Esquire, of Chevy Chase, State of Maryland, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer A. Smith, It is ordered that Erle J. Zoll, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. Hart, It is ordered that James Dennis Smullen, Esquire, of Austin, State of Texas; John Anton Rauhut, Esquire, of Austin, State of Texas, and Ed Roy Simmons, Esquire, of Austin, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy H. Russell, Jr., It is ordered that Robert F. Spindell, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Ernest Roe, It is ordered that Alfred W. Petchaft, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dan Moody, It is ordered that J. B. Robertson, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph R. Jackson, It is ordered that Dwight David Doty, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Reconstruction Finance Corporation,

Petitioner,

387 and 388 vs.

Bankers Trust Company, Trustee.

On writs of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THESE CAUSES came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and were argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in these causes, be, and the same is hereby, reversed with costs; and that these causes be, and the same are hereby, remanded to the District Court of the United States for the Eastern District of Missouri with instructions to proceed in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black joins.

C. J. Hendry Company and Frank Sematovich,

Petitioners,

60 vs.

E. C. Moore, I. Zellerbach and A. T. Jergens, as the Fish and Game Commission of the State of California.

On writ of certiorari to the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr.Justice Black.

- - - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - - -

William H. Dunn, Jr., and Raymond Krause,

Appellants,

77 vs.

The State of Ohio.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Chris Pedersen, Individually and as Agent and Representative for and in Behalf of Himself and all other Employees of the Defendant Similarly Situated,

Petitioners,

396 vs.

J. F. Fitzgerald Construction Co.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Chris Pedersen, Individually and as Agent and Representative for and in Behalf of Himself and all other Employees of the Defendant Similarly Situated,

Petitioners,

396 vs.

J. F. Fitzgerald Construction Co.

On writ of certiorari to the Supreme Court of the State of New York, Columbia County.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Columbia County, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs on the authority of Overstreet v. North Shore Corporation, No. 284, decided February 1, 1943.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

On March 8, 1943, an order was entered amending this judgment. As amended, said judgment reads as follows:

Chris Pedersen, Individually and as Agent and Representative for and in Behalf of Himself and all other Employees of the Defendant Similarly Situated,

Petitioners,

396 vs.

J. F. Fitzgerald Construction Co.

On writ of certiorari to the Supreme Court of the State of New York, Columbia County.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Columbia County, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs on the authority of Overstreet v. North Shore Corporation, No. 284, decided February 1, 1943.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court and without prejudice to a determination of the nature of the employment of any members of the class on whose behalf this suit has been brought.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

- - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Ex parte William W. Boehman,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Honorable Michael J. Roche, United States District Judge for the Northern District of California, Southern Division, et al., — Order allowing certiorari.

Petitioners,

584 vs.

Evaporated Milk Association, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Boston Elevated Railway Company, — On petition for writ of certiorari

Petitioner, — to the United States Circuit Court

609 vs. — of Appeals for the First Circuit.

Commissioner of Internal Revenue.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Louisville and Nashville Railroad Company, — On petition for writ of certiorari

Petitioner, — to the United States Circuit Court

613 vs. — of Appeals for the Seventh Circuit.

Mary Ellen Underwood, Administratrix of the Estate of Emmett G. Underwood, Deceased.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Louisville Gas and Electric Company, Petitioner, vs. Federal Power Commission.

616

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Morris I. Jayne, Lelia G. Jayne and Lelia Jayne, Guardian of the Person and Estate of Morris Ingalls Jayne, Incompetent, Petitioners, vs. National Life Insurance Company.

617

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Bayside Bus Corporation,
Petitioner,
621 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Alexander Guttmann, Individually and as Chairman of the Protective Committee for Preferred Stockholders of Pittsburgh Terminal Coal Corporation, et al.,
Petitioners,
627 vs.
Pittsburgh Terminal Coal Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Moore-McCormack Lines, Inc.,
Petitioner,
635 vs.
Edward Foster.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Price Brothers Company,
Petitioner,
639 vs.
Frank Smith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

H. Ely Goldsmith,
Petitioner,
630 vs.
Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

H. Ely Goldsmith,
Petitioner,
630 vs.
Joseph W. Sanford, Warden,
United States Penitentiary,
Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Ex parte Orville Chester Garrison,
Petitioner.
—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The United States of America,
Petitioner,
78 vs.
Victor N. Miller, also known
as Vic Miller, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The Public Utilities Commission
of Ohio, et al.,

Appellants,

87 vs.

United Fuel Gas Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Harry C. Kelly,

Petitioner,

398 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Gretta Lafuente,

Petitioner,

566 vs.

County of Los Angeles,

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Charles F. Williams, et al.,

Appellants,

492 vs.

Allen Miller, et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

Charles F. Williams, et al.,

Appellants,

492 vs.

Allen Miller, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

- - - - - - - - - - - - -

O R D E R

The Court will take a recess from Monday, February 15, until Monday, March 1, next.

- - - - - - - - - - - - -

A. M. Anderson, Receiver of
National Bank of Kentucky,
of Louisville,

Petitioner,

497 vs.

Katherine Kirkpatrick Abbott,
Administratrix, etc., et al.

Argued by Mr. Robert S. Marx for the petitioner and by Mr. William W. Crawford for respondents.

G. E. Burford, et al.,

Petitioners,

495 vs.

Sun Oil Company, et al.; and

Sun Oil Company, et al.,

Petitioners,

496 vs.

G. E. Burford, et al.

Argument commenced by Mr. James P. Hart for Burford, et al.; and continued by Mr. Ed Roy Simmons for Burford, et al.; by Mr. J. B. Robertson for Magnolia Petroleum Company; and by Mr. J. A. Rauhut for Sun Oil Company.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow, at 12 o'clock.

TUESDAY, FEBRUARY 9, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thurman W. Arnold, It is ordered that Creekmore Fath, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Troy Shelton, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Ward Rector, It is ordered that Ben C. Buckingham, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alanson W. Willcox, It is ordered that Marjorie D. Champion, of Berkeley, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. John Gregory Bruce, It is ordered that Thos. S. Dawson, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer A. Holt, It is ordered that Hillis Townsend, Esquire, of Charleston, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William I. Schaffer, It is ordered that J. H. Ward Hinkson, Esquire, of Chester, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Vernon Eney, It is ordered that Rudolph K. Schurr, Esquire, of Saint Louis, State of Missouri; Guy B. Brown, Esquire, of Baltimore, State of Maryland, and Fyke Farmer, Esquire, of Nashville, State of Tennessee, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Whittington, It is ordered that Jack H. Ewing, Esquire, of Liberty, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. O'Brien, It is ordered that Frederick DeJoseph, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John D. Swartz, It is ordered that Abraham L. Marovitz, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

G. E. Burford, et al.,

Petitioners,

495 vs.

Sun Oil Company, et al.; and

Sun Oil Company, et al.,

Petitioners,

496 vs.

G. E. Burford, et al.

Argument concluded by Mr. James P. Hart for Burford, et al.

O. L. Hastings, et al.,

Petitioners,

528 vs.

Selby Oil & Gas Company, et al.

Argued by Mr. W. Edward Lee for petitioners, O. L. Hastings, et al.; by Mr. James D. Smullen for petitioner, Railroad Commission of Texas; and by Mr. Dan Moody for the respondents.

Fidelity Assurance Association,
a corporation, debtor, et al.,

Petitioners,

319 vs.

Edgar B. Sims, Auditor, etc.,
et al.

Three hours allowed for oral argument.

Argument commenced by Mr. Homer A. Holt for the petitioners; and continued by Mr. John F. Davis for respondent, Securities and Exchange Commission; by Mr. H. Vernon Eney for respondent, John B. Gontrum, Insurance Commissioner of Maryland; by Mr. Richard H. Lauritzen for respondent, Banking Commissioner of Wisconsin; and by Mr. Fyke Farmer for respondents, L. H. Brooks, Trustee, et al.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that Wm. H. Smathers, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph S. Fowler, It is ordered that John A. Gilchrist, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Cahill, It is ordered that George Nebolsine, Esquire, of New York, State of New York; John W. Nields, Esquire, of New York, State of New York, and Harold S. Glendening, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Ristine, It is ordered that George F. Taylor, Jr., Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Fidelity Assurance Association,
a corporation, debtor, et al.,

Petitioners,

319 vs.

Edgar B. Sims, Auditor, etc.,
et al.

Argument continued by Mr. J. Campbell Palmer, III, for respondents, West Virginia State Court Receivers; by Mr. John F. Davis for respondent, Securities and Exchange Commission; and concluded by Mr. Homer A. Holt for the petitioners.

Selvie Winfield Wells,

Petitioner,

11, Original, vs.

The United States of America.

Argued by Mr. Henry J. Friendly for the petitioner and by Mr. Assistant Attorney General Berge for the respondent.

National Broadcasting Company,
Inc., et al.,

Appellants,

554 vs.

The United States of America,
et al.

Motion for temporary restraining order submitted by Mr. John T. Cahill for the appellants. Argument commenced by Mr. John T. Cahill for appellant, National Broadcasting Company, Inc., and continued by Mr. E. Willoughby Middleton for appellant, Stromberg-Carlson Telephone Manufacturing Company.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that Robert S. Brady, Esquire, of McMinnville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Posey T. Kime, It is ordered that Charles M. LaFollette, Esquire, of Evansville, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Edward Webb, It is ordered that Farland Robbins, Esquire, of Mayfield, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. J. Bourg, It is ordered that Carroll Gray, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. B. Hunter, It is ordered that Edward J. Devitt, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

O R D E R

It is ordered that paragraph 7 of Rule 32 of the Rules of this Court be amended so as to read as follows:

7. In pursuance of the Act of March 3, 1883, authorizing and empowering this court to prepare a table of fees to be charged by the clerk of this court the following table is adopted:

For docketing a case and filing and indorsing the transcript of the record, twenty-five dollars.

For entering an appearance, twenty-five cents.

For entering a continuance, twenty-five cents.

For filing a motion, order, or other paper, twenty-five cents.

For entering any rule or for making or copying any record or other paper, twenty cents per folio of each one hundred words.

For transferring each case to a subsequent docket and indexing the same, one dollar.

For entering a judgment or decree, one dollar.

For every search of the records of the court, one dollar.

For a certificate and seal, two dollars.

For receiving, keeping, and paying money in pursuance of any statute or order of court, two per cent. on the amount so received, kept and paid.

For an admission to the bar and certificate under seal, including filing of preliminary certificate and statements, twenty-five dollars.

For preparing the record or a transcript thereof for the printer, in all cases, including records presented with petitions for certiorari, indexing the same, supervising the printing and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, fifteen cents per folio of each one hundred words; but

where the necessary printed copies of the record as printed for the use of the court below are furnished, charges under this item will be limited to any additions printed here under the clerk's supervision.

For making a manuscript copy of the record, when required under Rule 13, fifteen cents per folio of each one hundred words, but nothing in addition for supervising the printing.

For preparing, on filing, for the printer, petitions for writs of certiorari, briefs, jurisdictional statements or motions when required by the Rules, or at the request of counsel when, in the opinion of the clerk, circumstances require, indexing the same, changing record references to conform to the pagination of the printed record, and supervising the printing, five dollars for each such petition, brief, jurisdictional statement or motion. Neither the expense of printing nor the clerk's supervising fee shall be allowed as costs in the case.

For a mandate or other process, ten dollars.

For an order on petition for writ of certiorari, five dollars.

For filing briefs, ten dollars for each party appearing.

For every printed copy of any opinion of the court or any justice thereof, certified under seal, two dollars.

IT IS FURTHER ORDERED that this order shall apply to all cases docketed on or after February 15, 1943, and to all admissions to the bar on or after March 2, 1943.

HARLAN F. STONE

CHIEF JUSTICE

National Broadcasting Company, Inc., et al.,

Appellants,

554 vs.

The United States of America, et al.

Argument continued by Mr. E. Willoughby Middleton for appellant, Stromberg-Carlson Telephone Manufacturing Company, and concluded by Mr. Solicitor General Fahy for appellees, The United States and Federal Communications Commission.

Columbia Broadcasting System, Inc.,

Appellant,

555 vs.

The United States of America, et al.

Motion for temporary restraining order submitted by Mr. Charles E. Hughes, Jr., for the appellant.

Argued by Mr. Charles E. Hughes, Jr., for the appellant; by Mr. Solicitor General Fahy for appellees, The United States and Federal Communications Commission; and by Mr. Louis G. Caldwell for appellee, Mutual Broadcasting System, Inc. (in Nos. 554 and 555).

The United States of America,

Appellant,

529 vs.

Swift and Company, et al.

Argument commenced by Mr. Charles H. Weston for the appellant.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Fred C. Gilchrist, It is ordered that Edward Everett Baron, Esquire, of Sioux City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that James Michael Scott, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis J. Castellano, It is ordered that Paul O'Dwyer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, it is ordered that Hobart N. Durham, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Duggan, It is ordered that Lawrence K. Blanchard, Esquire, of Bayfield, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry C. Robb, It is ordered that Harry C. Robb, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond T. Nagle, It is ordered that Frank Chambers, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that Walter M. Bastian, Esquire, of Washington, District of Columbia, and Peter N. Chumbris, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gerald B. Brophy, It is ordered that William J. Harnisch, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Holland, It is ordered that John W. Madden, Jr., Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ellsworth C. Alvord, It is ordered that Moses Davis, Esquire, of Cuthbert, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Adrien F. Busick, It is ordered that Carl F. Schaffer, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

National Broadcasting Company, Inc., Woodmen of The World Life Insurance Society, et al.,

Appellants,

554 vs.

The United States of America, et al.

It appearing to the Court that counsel for appellant, Woodmen of the World Life Insurance Society, have filed a motion to dismiss the appeal as to it,

Therefore, pursuant to said motion, it is ordered by this Court that the appeal in this case as to appellant, Woodmen of the World Life Insurance Society, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

The United States of America,

Appellant,

529 vs.

Swift and Company, et al.

Argument continued by Mr. Kenneth W. Robinson for the appellees and concluded by Mr. Charles H. Weston for the appellant.

Mrs. Ella Jamison,

Appellant,

558 vs.

The State of Texas.

Argued by Mr. Hayden C. Covington for the appellant and by Mr. H. P. Kucera for the appellee.

Daisy Largent,

Appellant,

559 vs.

The State of Texas.

Argued by Mr. Hayden C. Covington for the appellant. No appearance for the appellee.

Allan D. Emil, as Trustee in
Bankruptcy of John M. Russell,
Inc.,

Petitioner,

551 vs.

Harry Hanley, Receiver.

Argued by Mr. David Haar for the petitioner and by Mr. John P. McGrath for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, February 15, next, at 12 o'clock.

MONDAY, FEBRUARY 15, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Wilbur R. Lester, Esquire, of Toulon, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman W. Arnold, It is ordered that Victor H. Kramer, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Edward B. Willing, Esquire, of Mount Vernon, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Otto E. Adolph, Esquire, of Elizabeth, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that John W. Stollenwerck, Jr., Esquire, of Hillsboro, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Franklin G. Hinckley, Esquire, of Medford, State of Massachusetts; Archer L. Lerch, Esquire, of Gainesville, State of Florida; John W. Brabner Smith, Esquire, of Evanston, State of Illinois, and Helen Newman, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mrs. Carrie Abell Hodgson, It is ordered that Cecelia M. Thornton, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. James F. Ryan, It is ordered that George R. Wearing, Esquire, of Chicago, State of Illinois, and Herbert C. Brook, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lewis Smith, It is ordered that Ralph B. Gregg, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephan B. Robinson, It is ordered that Rex B. Goodcell, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Patterson, It is ordered that Milton D. Campbell, Esquire, of Riverdale, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nuel D. Belnap, It is ordered that L. O. Kimberly, Jr., Esquire, of Atlanta, State of Georgia, and Rupert L. Murphy, Esquire, of Atlanta, State of Georgia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warner Edmonds, Jr., It is ordered that Owen Jameson, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul M. Hebert, It is ordered that Claude E. Fernandez, Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that Millard Cass, Esquire, of Norfolk, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Name changed to Easton 2/24/43

On motion first made to the Court in this behalf by Mr. Francis V. Robinson, It is ordered that Harold ~~Epstein,~~ Easton Esquire, of Los Angeles, State of California, and Lewis E. Lercara, Esquire, of Oakland, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meyer J. Sawyer, It is ordered that Walter Warren, Esquire, of Leesburg, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Marion C. Toomey, It is ordered that Hugh Fulton, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Carroll Hunter, It is ordered that Carl Gaeton Nappi, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Allen Crenshaw, Esquire, of Andalusia, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Donnelly, It is ordered that Clifford E. Fix, Esquire, of Washington, District of Columbia; Ivan A. Schwab, Esquire, of San Francisco, State of California, and Richard J. Carr, Esquire, of Boston, State of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry J. Daly, It is ordered that Charles D. Sanger, Jr., Esquire, of Silver Spring, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Padway, It is ordered that Jacqueline Wemple, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Herbert G. Pillen, It is ordered that Franklin C. Salsbury, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

The Chief Justice said:

"The President, by and with the advice and consent of the Senate, has appointed The Honorable Wiley Rutledge, of Iowa, formerly an Associate Justice of the United States Court of Appeals for the District of Columbia,

to be an Associate Justice of this Court. Justice Rutledge is present. The Clerk will read his commission. Justice Rutledge will then take the oath of office, and the Marshal will escort him to his seat upon the Bench."

The Clerk then read the commission as follows:

"FRANKLIN D. ROOSEVELT,

"PRESIDENT OF THE UNITED STATES OF AMERICA,

"To all who shall see these Presents, Greeting:

"KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Wiley Blount Rutledge, of Iowa I have nominated, and, by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the United States and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Wiley Blount Rutledge, during his good behavior.

"IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

(SEAL)

"Done at the City of Washington this eleventh day of February, in the year of our Lord one thousand nine hundred and forty-three, and of the Independence of the United States of America the one hundred and sixty-seventh.

"By the President:

FRANCIS BIDDLE
Attorney General."

"FRANKLIN D. ROOSEVELT

- - - - - - - - - - - - -

The oath of office was then administered by the Clerk, and Mr. Justice Rutledge was escorted by the Marshal to his seat upon the bench.

Which said oaths were in the words and figures following:

"SUPREME COURT OF THE UNITED STATES
October Term, 1942.

I, WILEY RUTLEDGE, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter.

So help me God.

WILEY RUTLEDGE

Subscribed and sworn to before
me this fifteenth day of February,
A. D. 1943.

HARLAN F. STONE
CHIEF JUSTICE "

"SUPREME COURT OF THE UNITED STATES

October Term, 1942.

I, WILEY RUTLEDGE, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States.

So help me God.

WILEY RUTLEDGE

S E A L

Subscribed and sworn to before
me this fifteenth day of February,
A. D. 1943.

CHARLES ELMORE CROPLEY

Clerk of the Supreme Court of the United States."

- - - - - - - - - - - -

The United States of America, Petitioner,
171 vs.
Oklahoma Gas & Electric Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Oklahoma.

Per Mr. Justice Jackson.

Dissenting: Mr. Justice Black and Mr. Justice Douglas.

Leroy J. Leishman, Petitioner,
332 vs.
Associated Wholesale Electric Company, a Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Enoch L. Johnson, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

273

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey.

Per Mr. Justice Douglas.

Mr. Justice Murphy and Mr. Justice Jackson did not participate in the consideration or disposition of this case.

Concurring opinion by Mr. Justice Frankfurter.

Hurlbut W. Smith, Petitioner, vs. Frank J. Shaughnessy, Collector of Internal Revenue of the United States for the Twenty-first District of New York. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

429

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with leave to petitioner to apply for modification of its mandate in order that the value of the petitioner's reversionary interest may be determined and excluded.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Roberts.

Meta Biddle Robinette,
Petitioner,
499 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Dissenting: Mr. Justice Roberts.

Elise Biddle Paumgarten,
Petitioner,
500 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Dissenting: Mr. Justice Roberts.

- - - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - - -

Allied Mills, Inc., Appellant,

669 vs.

Department of Treasury of the State of Indiana, M. Clifford Townsend, Joseph P. Robertson, et al., etc.

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

The United States of America, Appellant,

670 vs.

American Federation of Musicians, James C. Petrillo, C. L. Bagley, et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

O R D E R

It is ordered that Rule XI of the Rules of Practice and Procedure in Criminal Cases be, and the same is hereby, amended to read as follows:

"XI. Writs of certiorari. Petition to the Supreme Court of the United States for writ of certiorari to review a judgment of the appellate court shall be made within thirty (30) days after the entry of the judgment of that court, except that in cases in which the judgment of conviction has been entered in a District Court of Alaska, Hawaii, Puerto Rico, Canal Zone or Virgin Islands, the petition shall also be deemed in time if the container in which it is mailed, addressed to the Supreme Court of the United States, is postmarked within the thirty (30) days provided by this Rule. Such petition shall be made as prescribed in Rules 38 and 39 of the Rules of the Supreme Court of the United States."

Ex parte James B. Goodrich,

Petitioner.

ON CONSIDERATION of the application submitted herein by James B. Goodrich,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank Smith,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Dewey Wallace McMurtrey,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Hugh A. Bowen,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Complainant,

12, Original, vs.

The State of Louisiana, et al.

ON CONSIDERATION of the motion on behalf of the United States for leave to file a bill to perpetuate testimony in the above entitled cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Central Hanover Bank and Trust Company, a Banking Corporation of the State of New York, et al.,

Appellants,

659 vs.

William D. Kelly, State Tax Commissioner of the State of New Jersey.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

William Schneiderman,

Petitioner,

2 vs.

The United States of America.

O R D E R

This case is restored to the docket for reargument.

Per Mr. Chief Justice Stone.

Jersey Central Power & Light Company,

Petitioner,

299 vs.

Federal Power Commission; and

New Jersey Power & Light Company,

Petitioner,

329 vs.

Federal Power Commission.

O R D E R

These cases are restored to the docket for reargument.

Per Mr. Chief Justice Stone.

Oklahoma Tax Commission of the State of Oklahoma,

Petitioner,

623 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Oklahoma Tax Commission of the State of Oklahoma,

Petitioner,

624 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Oklahoma Tax Commission of the State of Oklahoma,

Petitioner,

625 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Order allowing certiorari.

Petitioner,

636 vs.

Frank Delia.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is assigned for argument immediately following No. 569.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Rosco Jones,

Petitioner,

280 O.T. 1941 vs.

City of Opelika.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted and the case is restored to the docket for reargument.

Per Mr. Chief Justice Stone.

Lois Bowden and Zada Sanders,

Petitioners,

314 O.T. 1941 vs.

City of Fort Smith, Arkansas.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted and the case is restored to the docket for reargument.

Per Mr. Chief Justice Stone.

Charles Jobin,

Appellant,

966 vs.

The State of Arizona.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted and the case is restored to the docket for reargument.

Per Mr. Chief Justice Stone.

Robert Murdock, Jr., Order allowing certiorari.

Petitioner,

480 vs.

Commonwealth of Pennsylvania
(City of Jeannette)

The petition herein for a writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania is granted, and the case is assigned for argument immediately following Nos. 280, 314, and 966, October Term, 1941.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Anna Perisich, Order allowing certiorari.

Petitioner,

481 vs.

Commonwealth of Pennsylvania
(City of Jeannette)

The petition herein for a writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania is granted, and the case is assigned for argument immediately following Nos. 280, 314, and 966, October Term, 1941, and 480, October Term, 1942.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Willard L. Mowder, Order allowing certiorari.

Petitioner,

482 vs.

Commonwealth of Pennsylvania
(City of Jeannette)

The petition herein for a writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania is granted, and the case is assigned for argument immediately following Nos. 280, 314, and 966, October Term, 1941, and 480, 481, October Term, 1942.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Charles Seders, Order allowing certiorari.

Petitioner,

483 vs.

Commonwealth of Pennsylvania
(City of Jeannette)

The petition herein for a writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania is granted, and the case is assigned for argument immediately following Nos. 280, 314, and 966, October Term, 1941, and 480-482, October Term, 1942.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Robert Lamborn, Order allowing certiorari.

Petitioner,

484 vs.

Commonwealth of Pennsylvania
(City of Jeannette)

The petition herein for a writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania is granted, and the case is assigned for argument immediately following Nos. 280, 314, and 966, October Term, 1941, and 480-483, October Term, 1942.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Anthony Maltezos, Order allowing certiorari.

Petitioner,

485 vs.

Commonwealth of Pennsylvania
(City of Jeannette)

The petition herein for a writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania is granted, and the case is assigned for argument immediately following Nos. 280, 314, and 966, October Term, 1941, and 480-484, October Term, 1942.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Anastasia Tzanes, Order allowing certiorari.

Petitioner,

486 vs.

Commonwealth of Pennsylvania
(City of Jeannette)

The petition herein for a writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania is granted, and the case is assigned for argument immediately following Nos. 280, 314, and 966, October Term, 1941, and 480-485, October Term, 1942.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Ellaine Tzanos, Petitioner,

487 vs.

Commonwealth of Pennsylvania (City of Jeannette)

Order allowing certiorari.

The petition herein for a writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania is granted, and the case is assigned for argument immediately following Nos. 280, 314, and 966, October Term, 1941, and 480-486, October Term, 1942.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Robert L. Douglas, Albert R. Gundecker, Earl Kalbrenner, et al., Petitioners,

450 vs.

City of Jeannette (Pennsylvania), a Municipal Corporation, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is assigned for argument immediately following Nos. 480-487.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Kelley-Koett Manufacturing Co., Petitioner, vs. Harry B. McEuen. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

595

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Border Line Transportation Co., Petitioner, vs. Saul Haas, Collector of Customs. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

607

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Gerity-Whitaker Company and Gerity-Adrian Manufacturing Corporation, Petitioners, vs. National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

622

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Pickering Lumber Company,
Petitioner,
633 vs.
Sophia Whiteside, Roger V. Whiteside, William C. Robinson, et al., etc.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3rd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3rd Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Terminal Railroad Association of St. Louis,
Petitioner,
641 vs.
John G. Pashea.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Dudley Pelley,
Petitioner,
645 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lawrence A. Brown,
Petitioner,
646 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Fellowship Press, Inc.,
Petitioner,
647 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ancel Earp,
Petitioner,
648 vs.
H. C. Jones, Collector of Internal Revenue for the District of Oklahoma.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Margaret Mashunkashey, Now Bradshaw,
Petitioner,
649 vs.
The United States of America, A. G. Williams, Guardian of James G. Blaine, Jr., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Gulf Refining Company,
Petitioner,
650 vs.
Louis Fetschan and Cross Park Realty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Sidmon McHie and Hammond Realty Company,
Petitioners,
654 vs.
The Fifth Avenue Bank of New York, Executor of the Last Will and Testament of Isabel D. McHie.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edward Armstrong Bellow and McDonald Products Corporation,

Petitioners,

657 vs.

Park Sherman Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. Wanroy Garrow, Marcita D. Garrow and Virginia Bullock-Willis,

Petitioners,

634 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Russell W. McDermott,

Petitioner,

632 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

F. Gerald Thomas,

Petitioner,

642 vs.

The United States of America; and

F. Gerald Thomas,

Petitioner,

643 vs.

George W. Rossetter, et al.

ON CONSIDERATION of the motion to be relieved of printing certain records in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

F. Gerald Thomas,

Petitioner,

642 vs.

The United States of America, and

F. Gerald Thomas,

Petitioner,

643 vs.

George W. Rossetter, et al.

ON CONSIDERATION of the motion of the Chicago Civil Liberties Committee for leave to file a brief as amicus curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

F. Gerald Thomas,
Petitioner,
642 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

F. Gerald Thomas,
Petitioner,
643 vs.
George W. Rossetter, Jay C. McCord and Maurice A. Rosenthal, Stock Trustees.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Louis Buchalter,
Petitioner,
606 vs.
People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York, Kings County.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Kings County, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis Buchalter,

Petitioner,

606 vs.

People of the State of New York.

O R D E R

It is ordered by this Court that the order dated December 5, 1942, staying the execution and enforcement of the sentence of death imposed upon the petitioner in this case be, and the same is hereby, vacated.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this order.

Emanuel Weiss,

Petitioner,

610 vs

People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Emanuel Weiss,

Petitioner,

610 vs.

People of the State of New York.

O R D E R

It is ordered by this Court that the order dated December 5, 1942, staying the execution and enforcement of the sentence of death imposed upon the petitioner in this case be, and the same is hereby, vacated.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this order.

Louis Capone,

Petitioner,

619 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York, Kings County.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Kings County, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis Capone,

Petitioner,

619 vs.

The People of the State of New York.

O R D E R

It is ordered by this Court that the order dated December 5, 1942, staying the execution and enforcement of the sentence of death imposed upon the petitioner in this case be, and the same is hereby, vacated.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this order.

Vivian Wycliff Buie,

Petitioner,

459 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Vivian Wycliff Buie,

Petitioner,

459 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Robert L. Peyton,

Petitioner,

903 October Term, 1941 vs.

Railroad Express Agency.

A third petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sterling P. Harris, Administrator, etc.,

Petitioner,

268 vs.

Zion Savings Bank and Trust Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Margaret M. Brady, as Administratrix, etc.,

Petitioner,

269 vs.

Roosevelt Steamship Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, March 1, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley .. Rutledge.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Kenneth L. Kimble, Esquire, of Washington, District of Columbia; Robert C. Barnard, Esquire, of Seattle, State of Washington; Eric W. Timm, Esquire, of Bay City, State of Michigan; Ronald A. MacMillan, Esquire, of Washington, District of Columbia; Heber Milton Clegg, Esquire, of Salt Lake City, State of Utah; Franklin Martin Stone, Esquire, of Waseca, State of Minnesota; P. Bowers Beachum, Jr., Esquire, of Wadesboro, State of North Carolina; George Darrell Neilson, Esquire, of Washington, District of Columbia; George Morris Fay, Esquire, of Washington, District of Columbia; Francis Dennis Flanagan, Esquire, of Washington, District of Columbia; Bernard Margolius, Esquire, of Washington, District of Columbia, and W. Harold Skelly, Esquire, of Mexico, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that Joseph Edward Williams, Esquire, of Washington, District of Columbia; Charles Owen Butler, Esquire, of Washington, District of Columbia; Abner Frank, Esquire, of Washington, District of Columbia, and Kelsey Loftus Martin Mott, of West Point, State of New York, be admitted to practice as Attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Dallas Wendell Reid, Esquire, of Orleans, State of Indiana, and Edward Stanley Lazowska, Esquire, of New Bedford, State of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Worth Clark, It is ordered that Joseph Patrick McMahon, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. O'Mahoney, It is ordered that DeForest E. Sessions, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Doris Rita Williamson, It is ordered that Martin J. Meenehan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Roland Kinzer, It is ordered that Adolph Charles Koehler, Esquire, of Lancaster, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. P. Hobbs, It is ordered that William N. McQueen, Esquire, of Montgomery, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lewis Smith, It is ordered that John Lewis Smith, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney P. Taliaferro, It is ordered that Turner Taliaferro Smith, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herman P. Eberharter, It is ordered that Walter P. Smart, Esquire, of Pittsburgh, State of Pennsylvania, and Jno. J. O'Connell, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy H. Russell, Jr., It is ordered that Ruth Cleveland Hake, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (MRS.)

On motion first made to the Court in this behalf by Mr. Harry Steiner, It is ordered that Sidney Jarcho, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham E. Freedman, It is ordered that Paul M. Goldstein, Esquire, of Philadelphia, State of Pennsylvania, and Charles Lakatos, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George J. Engelman, It is ordered that Orazio Raymond Basile, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph W. Henderson, It is ordered that Walter X. Connor, Esquire, of New York, State of New York, and Robert A. Lilly, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leo Meltzer, It is ordered that Morris Berzon, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. E. Kunkel, It is ordered that Mary C. Vann, of Miami, State of Florida, and Wayne Allen, Esquire, of Miami, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Merrick Jones, It is ordered that Malcolm W. Feist, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick L. Pearce, It is ordered that Wm. T. Boyle, Esquire, of Camden, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gorham P. Freer, It is ordered that Wm. Taft Feldman, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George S. Ward, It is ordered that Geo. W. Rochester, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alan W. Joslyn, It is ordered that Bernard K. Shapiro, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Martha Robbins Gold, It is ordered that Hervé J. L'Heureux, Esquire, of Manchester, State of New Hampshire, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Franklin G. Hinckley, It is ordered that F. Reed Dickerson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. I. Morton Meyers, It is ordered that Marcella R. Schultz, of New York, State of New York, and Sol M. Linowitz, Esquire, of Rochester, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Carroll Hunter, It is ordered that Charles Bernard Nutting, Esquire, of Iowa City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene F. Roth, It is ordered that J. Wm. Rosenbluth, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Anthony Kane, It is ordered that Josef Diamond, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Matthews, Jr., It is ordered that Archibald F. McGrath, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Cedric F. Johnson, It is ordered that Nathaniel J. Ely, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry G. Van Veen, It is ordered that James R. Wilson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Adolf A. Berle, Jr. It is ordered that J. Daniel Hanley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. R. McGuire, It is ordered that O. R. McGuire, Jr., Esquire, of Washington, District of Columbia, and Herzel H. E. Plaine, Esquire, of Newark, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles I. Schottland, It is ordered that Benjamin Chapman, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Louise B. Hart, It is ordered that Robert E. Kinnare, Esquire, of Chicago, State of Illinois, and John A. Gorfinkel, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert P. Harland, It is ordered that Marcus L. Plant, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Gerald Toye, It is ordered that Lothar Michaelis, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar Provost, It is ordered that Beatrice Rosenberg, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Mac Q. Williamson, It is ordered that George H. Jennings, Esquire, of Sapulpa, State of Oklahoma, and Norman J. Futor, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Rogers, It is ordered that Seymour Sheriff, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

467 vs.

Sylvie R. Griffiths.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Jackson.

Mr. Justice Rutledge did not participate in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy join.

Maricopa County, Arizona, W. H. Linville, as County Treasurer and Ex-Officio Tax Collector of Maricopa County, et al.,

Petitioners,

449 vs.

The Valley National Bank of Phoenix.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Arizona.

Per Mr. Justice Douglas.

Mr. Justice Rutledge did not participate in the consideration or decision of this case.

Clearfield Trust Company, a Corporation, and J. C. Penney Company, a Corporation,

Petitioners,

490 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania.

Per Mr. Justice Douglas.

Mr. Justice Murphy and Mr. Justice Rutledge did not participate in the consideration or decision of this case.

Benjamin McNabb, Freeman McNabb, and Raymond McNabb,

Petitioners,

vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

25

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Tennessee for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Reed.

Mitchell Clifton Anderson, John Edward Simonds, Earl Hubbard, et al.,

Petitioners,

vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

10

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Tennessee for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Reed.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

303 vs.

American Dental Co.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson joins.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Hoopeston Canning Co., E. Pritchard, Inc., et al.,

Appellants,

358 vs.

Thomas J. Cullen, Superintendent of Insurance of the State of New York, et al.

Appeal from the Supreme Court of the State of New York, Albany County.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of Albany, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

The Chief Justice and Mr. Justice Jackson concur in the result.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

518 vs.

Sabine Transportation Company, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

Penn Dairies, Inc., and The United States of America,

Appellants,

399 vs.

The Milk Control Commission of the Commonwealth of Pennsylvania.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Jackson join.

Pacific Coast Dairy, Inc., Appellant, vs. Department of Agriculture of the State of California, et al. — Appeal from the Supreme Court of the State of California.

275

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Jackson join in the opinion of the Court but are also of the view that the judgment should be reversed for the additional reason set forth in the dissenting opinion in Penn Dairies, Inc. vs. Milk Control Commission, No. 399, decided this day.

Dissenting opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Murphy.

Federal Security Administrator, Petitioner, vs. The Quaker Oats Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

424

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Roberts.

George Sylvester Viereck, Petitioner, vs. The United States of America.

458

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas concurs.

Marshall Field and Company, Petitioner, vs. National Labor Relations Board.

453

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the decree and supplemental decree of the said United States Circuit Court of Appeals, in this cause, be, and the same are hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Selvie Winfield Wells, Petitioner, vs. The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

11, Original.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order of the said Circuit Court of Appeals denying an application for the allowance of an appeal in forma pauperis in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Texas.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

O R D E R

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, agreeably to the Acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit,	Felix Frankfurter,	Associate Justice
For the Second Circuit,	Robert H. Jackson,	Associate Justice
For the Third Circuit,	Owen J. Roberts,	Associate Justice
For the Fourth Circuit,	Harlan F. Stone,	Chief Justice
For the Fifth Circuit,	Hugo L. Black,	Associate Justice
For the Sixth Circuit,	Stanley Reed,	Associate Justice
For the Seventh Circuit,	Frank Murphy,	Associate Justice
For the Eighth Circuit,	Wiley Rutledge,	Associate Justice
For the Ninth Circuit,	William O. Douglas,	Associate Justice
For the Tenth Circuit,	Wiley Rutledge,	Associate Justice
For the District of Columbia,	Harlan F. Stone,	Chief Justice.

Ex parte Robert L. Peyton,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte E. C. Lilly,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John Russell Miller,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James Raymond Buchanan, Sr.,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. J. Hendry Company and Frank Sematovich,

Petitioners,

60 vs.

E. C. Moore, et al., etc.

ON CONSIDERATION of the motion to stay the mandate in this case and to extend the time within which to file a petition for rehearing,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, that the time within which to file a rehearing be extended to and including March 20, and that the mandate be stayed.

Per Mr. Chief Justice Stone.

Nathan Mayo and Roy Hutchinson,

Appellants,

726 vs.

The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Hartford-Empire Company, et al.,

Appellants,

727 vs.

The United States of America;

Corning Glass Works, et al.,

Appellants,

728 vs.

The United States of America;

Owens-Illinois Glass Company, et al.,

Appellants,

729 vs.

The United States of America;

Hazel-Atlas Glass Company, et al.,

Appellants,

730 vs.

The United States of America;

Thatcher Manufacturing Company, et al.,

Appellants,

731 vs.

The United States of America;

Lynch Corporation, et al.,

Appellants,

732 vs.

The United States of America;

Ball Brothers Company, et al.,

Appellants,

733 vs.

The United States of America;

Glass Container Association of America, Inc., et al.,

Appellants,

734 vs.

The United States of America;

Isaac J. Collins,

Appellant,

735 vs.

The United States of America; and

T. C. Fulton, et al.,

Appellants,

736 vs.

The United States of America.

The statements of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Hartford-Empire Company and others,

Appellants,

727 to 736, inc. vs.

The United States of America.

ON CONSIDERATION of the motion to extend the time within which to file the statements of points and designations of parts of the record to be printed in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended until March 8.

Per Mr. Chief Justice Stone.

Whitney Bowles, Order allowing certiorari.

Petitioner,

589 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Direct Sales Company, Order allowing certiorari.

Petitioner,

593 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Detroit Edison Company, Order allowing certiorari.

Petitioner,

675 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

The North American Company, Order allowing certiorari.

Petitioner,

721 vs.

Securities and Exchange Commission.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Wilson W. Richardson,

Petitioner,

725 vs.

The James Gibbons Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Wilson W. Richardson, Petitioner,

725 vs.

The James Gibbons Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the case is assigned for argument immediately following No. 581, Southland Gasoline Co. vs. Bayley, et al.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

J. D. Collins, Petitioner,

653 vs.

W. R. Wayland, Fred G. Holmes, Del E. Webb, et al.

On petition for writ of certiorari to the Supreme Court of the State of Arizona.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arizona and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bertha B. Foster, et al., Petitioners,

655 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Henry C. Buescher, et al.,
Petitioners,
656 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Antoinette K. Brown,
Petitioner,
658 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

American United Life Insurance Company, etc., et al.,
Petitioners,
667 vs.
Charles R. Fischer, Commissioner of Insurance of the State of Iowa, as Receiver for the American Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Alberta Weber De Jong,
Petitioner,
668 vs.
Ruth Tietsort.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Robert C. Reed, Bessie B. Reed and F. W. Croll, Jr.,
Petitioners,
672 vs.
Chicago, North Shore and Milwaukee Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Arthur S. Humes,
Petitioner,
674 vs.
Robert Hudspeth, Cecil Shuttleworth, Arthur Hoffman.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ada McSparran,
Petitioner,
vs.
City of Portland.

597

On petition for writ of certiorari to the Supreme Court of the State of Oregon.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oregon and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alice S. Keefe, Gertrude S. Keefe and Mary R. Keefe,
Petitioners,
vs.
The United States.

615

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John T. Dempsey, as Administrator of the Estate of Gabriel de Pontarce, Deceased,
Petitioner,
vs.
Guaranty Trust Company of New York.

662

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

John T. Dempsey, as Administrator of the Estate of Gabriel de Fontarce, Deceased,

Petitioner,

663 vs.

Guaranty Trust Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

H. F. Metcalf, as Trustee in Bankruptcy of the Estate of F. P. Newport Corporation, Ltd., Bankrupt,

Petitioner,

665 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Virginia Pavlis, Joined by her Husband Nikitas Pavlis, I. J. Belcher and Manolis Stanatiadies,

Petitioners,

666 vs.

E. Z. Jackson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Town of Belleair, Florida, Debtor,

Petitioner,

671 vs.

R. S. Groves, et al., Creditors of the said Town.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Harborside Warehouse Company, Inc., Petitioner,

677 vs.

The City of Jersey City and the State Board of Tax Appeals of the State of New Jersey.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harborside Warehouse Company, Inc., Petitioner,

678 vs.

The City of Jersey City and the State Board of Tax Appeals of the State of New Jersey.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harborside Warehouse Company, Inc., Petitioner, vs. The City of Jersey City and the State Board of Tax Appeals of the State of New Jersey.

679

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harborside Warehouse Company, Inc., Petitioner, vs. The City of Jersey City and the State Board of Tax Appeals of the State of New Jersey.

680

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles P. Boucher and Boucher Inventions, Ltd., Petitioners, vs. Joseph G. Sola and Sola Electric Company.

673

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Henry Hitt, Trading as Congressional Garage, Century Indemnity Company,

Petitioners,

644 vs.

Frank A. Cardillo, Deputy Commissioner for the District of Columbia, United States Employees' Compensation Commission, Wanda V. Herlinger.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Ogden H. Hammond, Jr.,

Petitioner,

691 vs.

Edythe Sterling Hammond.

ON CONSIDERATION of the motion to consider the petition for certiorari on the appendix to appellant's brief in the Court of Appeals,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this motion.

Ogden H. Hammond, Jr.,

Petitioner,

691 vs.

Edythe Sterling Hammond.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

The Aviation Corporation,
Petitioner,
614 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black and Mr. Justice Jackson took no part in the consideration or decision of this application.

J. O. Bomer, Jr.,
Petitioner,
716 vs.
State of Tennessee, on Motion of Chancellor John E. Swepston and Chancellor Lois D. Bejach.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

J. O. Bomer, Jr.,
Petitioner,
716 vs.
State of Tennessee, on Motion of Chancellor John E. Swepston and Chancellor Lois D. Bejach.

On petition for writ of certiorari to the Court of Appeals of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Tennessee, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Gaetano Ajello,
Petitioner,
517 vs.
Pan American Airways Corporation and Douglas Aircraft Company, Inc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Gaetano Ajello,
Petitioner,
517 vs.
Pan American Airways Corporation and Douglas Aircraft Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

W. L. Nix,

Petitioner,

664 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

W. L. Nix,

Petitioner,

664 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. B. King,

Petitioner,

689 vs.

Supreme Court of the State of South Dakota.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

J. B. King,

Petitioner,

689 vs.

Supreme Court of the State of South Dakota.

On petition for writ of certiorari to the Supreme Court of the State of South Dakota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of South Dakota, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wm. H. Johnston,

Petitioner,

205 vs.

Wm. A. Marshall, Deputy Commissioner, etc., et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this motion.

Wm. H. Johnston,

Petitioner,

205 vs.

Wm. A. Marshall, Deputy Commissioner, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

The United States of America,
ex rel. Morris L. Marcus, et al.,
etc.,

Petitioners,

173 vs.

William F. Hess, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this application.

H. Ely Goldsmith,

Petitioner,

630 vs.

Joseph W. Sanford, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Arthur S. Humes,

Petitioner,

—— vs.

Leavenworth County, Kansas,
Selective Service Board, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Ziffrin, Incorporated,

Appellant,

245 vs.

The United States of America,
et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Wayne N. Mason, Administrator,
etc.,

Petitioner,

281 vs.

The Federal Land Bank of Berkeley,
a Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Howard S. Palmer, et al., as
Trustees, etc.,

Petitioners,

300 vs.

Howard P. Hoffman, Individually
and as Administrator, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

LeRoy J. Leishman,

Petitioner,

332 vs.

Associated Wholesale Electric Company, a Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

J. S. Garlington, et vir,

Petitioners,

405 vs.

A. L. Wasson.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

State of Ohio, on the Relation of S. H. Squire, Superintendent of Banks, etc.,

Petitioner,

603 vs.

Clarence H. Porter.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

S. H. Squire, Superintendent of
Banks of the State of Ohio, etc.,

Petitioner,

604 vs.

Cliffe U. Merriam.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

- - - - - - - - - - - -

Ex parte Republic of Peru, Owner,
etc.,

Petitioner.

—, Original.

Argued on the return to the rule to show cause by Mr. Edgar R. Kraetzer for the petitioner and by Mr. Joseph M. Rault for the respondent.

The United States of America, upon
the relation and for the use of
The Tennessee Valley Authority,

Petitioner,

3 vs.

W. P. N. Powelson, Assignee, etc.,
et al.

Three hours allowed for oral argument.

Reargument commenced by Mr. William C. Fitts, Jr., for the petitioner.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MARCH 2, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Marion Smith, It is ordered that John A. Boykin, Jr., Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Milton Simpson, It is ordered that William J. Butler, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney J. Kaplan, It is ordered that David K. Kadane, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The United States of America
upon the relation and for the
use of the Tennessee Valley
Authority,

Petitioner,

3 vs.

W. P. N. Powelson, Assignee, etc.,
et al.

Reargument continued by Mr. William C. Fitts, Jr., for the petitioner; by Mr. George H. Wright for the respondents; by Mr. George Lyle Jones for the respondents; by Mr. George H. Wright for the respondents; and concluded by Mr. William C. Fitts, Jr., for the petitioner.

Waterman Steamship Corporation,

Petitioner,

582 vs.

David E. Jones.

Argued by Mr. Joseph W. Henderson for the petitioner and by Mr. Abraham E. Freedman for the respondent.

Pedro Aguilar,

Petitioner,

454 vs.

Standard Oil Company of New
Jersey.

Argument commenced by Mr. George J. Engelman for the petitioner.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that Eli Leflar, Esquire, of Rogers, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Bowers Campbell, It is ordered that Alfred E. Sapp, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Patrick A. McCarran, It is ordered that T. L. Withers, Esquire, of Reno, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. E. Jones, It is ordered that Alexander McK. Bracken, Esquire, of Muncie, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

George Sylvester Viereck,

Petitioner,

458 vs.

The United States of America.

ON CONSIDERATION of the motion of counsel for the petitioner for the immediate issuance of the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the mandate issue forthwith.

Per Mr. Chief Justice Stone.

J. Oliver Hill, Administrator, etc.,

Petitioner,

708 vs.

Francis L. Hawes, Individually, etc., et al.

ON CONSIDERATION of the motion of counsel for the respondent to extend the time within which to file brief opposing the petition for certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 20.

Per Mr. Chief Justice Stone.

United States ex rel. Murray Brensilber, et al.,

Petitioners,

761 vs.

Bausch & Lomb Optical Company, et al.

ON CONSIDERATION of the motion of counsel for the respondents to extend the time within which to file brief opposing the petition for certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including April 17.

Per Mr. Chief Justice Stone.

South Mercur Mining Company, a Corporation,

Petitioner,

781 vs.

New Mercur Mining Company, a Corporation, et al.

ON CONSIDERATION of the motion of counsel for the petitioner to extend the time within which to serve the petition for certiorari and record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including April 2.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Pedro Aguilar,

Petitioner,

454 vs.

Standard Oil Company of New Jersey.

Argument continued by Mr. George J. Engelman for the petitioner; by Mr. Walter X. Connor for the respondent; and concluded by Mr. George J. Engelman for the petitioner.

L. T. Barringer and Company,

Appellant,

520 vs.

The United States of America, et al.

Argued by Mr. Nuel D. Belnap for the appellant; by Mr. Robert L. Pierce for the appellees, The United States and Interstate Commerce Commission; and by Mr. Roland J. Lehman for the appellees, Atchison, Topeka and Santa Fe Ry. Co., et al.

Board of County Commissioners
of the County of Creek, State
of Oklahoma, a municipal cor-
poration, et al.,

Petitioners,

556 vs.

Evelyn Seber, et al.

Argument commenced by Mr. Houston E. Hill for the petitioners.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, MARCH 4, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Overton Brooks, It is ordered that Joseph T. Cawthorn, Esquire, of Mansfield, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack J. Levinson, It is ordered that Moses Golden, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. May, It is ordered that Spencer W. Reeder, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Ada McSparran,

Petitioner,

597 vs.

City of Portland.

ON CONSIDERATION of the motion of counsel for the petitioner to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including April 23.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Board of County Commissioners of the County of Creek, State of Oklahoma, a municipal corporation, et al.,

Petitioners,

556 vs.

Evelyn Seber, et al.

Argument continued by Mr. George H. Jennings for the respondents; by Mr. Warner W. Gardner for The United States, as amicus curiae, by special leave of Court; and concluded by Mr. Mac Q. Williamson for the petitioners.

Jersey Central Power & Light Company,

Petitioner,

299 vs.

Federal Power Commission; and

New Jersey Power & Light Company,

Petitioner,

329 vs.

Federal Power Commission.

Four hours allowed for reargument.

Reargument commenced by Mr. Frederic P. Glick for the petitioner in No. 329; continued by Mr. John W. McDonald for the petitioner

in No. 299; by Mr. Allen P. Throop for the petitioner in No. 329; and by Mr. Assistant Attorney General Shea for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, MARCH 5, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. C. Jasper Bell, It is ordered that Lyle H. Kennedy, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Yates Dowell, It is ordered that Edmund A. Penander, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin A. Mooers, It is ordered that Walter Kurylo, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Jersey Central Power & Light Company,

Petitioner,

299 vs.

Federal Power Commission; and

New Jersey Power & Light Company,

Petitioner,

329 vs.

Federal Power Commission.

Reargument continued by Mr. Assistant Attorney General Shea for the respondent and concluded by Mr. Frederic P. Glick for the petitioner in No. 329.

G. E. Myers, Trustee, etc.,

Petitioner,

540 vs.

Verna May Matley.

Argued by Mr. T. L. Withers for the petitioner and case submitted by Mr. William M. Kearney for the respondent.

National Labor Relations Board,

Petitioner,

460 vs.

Southern Bell Telephone and Telegraph Company; and

National Labor Relations Board,

Petitioner,

461 vs.

Southern Association of Bell Telephone Employees.

Argument commenced by Mr. Robert B. Watts for the petitioner.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

MONDAY, MARCH 8, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that John Clifford Campbell, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Dickinson, It is ordered that Adelbert S. Schroeder, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Wilson, It is ordered that George W. Dexter, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Corn Exchange National Bank and Trust Company, Philadelphia, and Edward C. Dearden, Sr., Petitioners, vs. Norman Klauder, Trustee of Quaker City Sheet Metal Co., Bankrupt. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

452

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Jackson.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Roberts.

The Choctaw Nation of Indians, Petitioner, vs. The United States and the Chickasaw Nation of Indians. — On writ of certiorari to the Court of Claims.

80

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims with instructions to dismiss the petition.

Per Mr. Justice Murphy.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Daisy Largent, Appellant, vs. The State of Texas. — Appeal from the County Court of Lamar County, State of Texas.

559

THIS CAUSE came on to be heard on the transcript of the record from the County Court of Lamar County, State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said County Court of Lamar County, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said County Court of Lamar County for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Mrs. Ella Jamison, Appellant, vs. The State of Texas. — Appeal from the County Criminal Court of Dallas County, State of Texas.

558

THIS CAUSE came on to be heard on the transcript of the record from the County Criminal Court of Dallas County, State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said County Criminal Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said County Criminal Court for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Mr. Justice Frankfurter acquiesces in the refusal to reconsider King Mfg. Co. v. Augusta, 277 U. S. 100, although, for the reasons set forth by Holmes and Brandeis, JJ., dissenting, he deems that case to have been erroneously decided. Otherwise he agrees with the opinion in this case.

Ex parte Elmer Davis,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Ex parte Robert Spies,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Margaret E. Waley,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application to the District Court.

Per Mr. Chief Justice Stone.

Ex parte Ross Cummings Patton,

Petitioner,

---.

ON CONSIDERATION of the application herein for a stay,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Standard Dredging Corporation,

Appellant,

722 vs.

Frieda S. Miller, as Industrial Commissioner of the State of New York, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted. The Solicitor General is requested to file a brief as amicus curiae and to participate in the oral argument if he so desires.

Per Mr. Chief Justice Stone.

International Elevating Company,

Appellant,

723 vs.

Frieda S. Miller, as Industrial Commissioner of the State of New York, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted. The Solicitor General is requested to file a brief as amicus curiae and to participate in the oral argument if he so desires.

Per Mr. Chief Justice Stone.

A. W. Altvater and the Western Supplies Company,

Petitioners,

696 vs.

Benjamin W. Freeman and The Louis G. Freeman Co.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Daniel F. Boone,

Petitioner,

698 vs.

Clarence M. Lightner, Theodore A. Lightner, Mrs. Alice Lightner Hoff, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of North Carolina is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Rosario St. Pierre,

Petitioner,

687 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. Counsel are requested to discuss in their briefs and on the oral argument the question whether the case is moot.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Interstate Transit Lines, Petitioner,

552 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Moline Properties, Inc., Petitioner,

660 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. The case is transferred to the summary docket and assigned for argument immediately following No. 552.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Florence J. Bailey, as Administratrix of E. Bailey, Petitioner,

640 vs.

Central Vermont Railway, Inc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Florence J. Bailey, as Administratrix of E. Bailey,

Petitioner,

640 vs.

Central Vermont Railway, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Vermont is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mark K. Frank,

Petitioner,

676 vs.

Leon Henderson, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Acme-Evans Company,

Petitioner,

681 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Constant G. Tuffanelli,
Petitioner,
682 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. S. Sondock and M. G. Sondock, Individually and as Partners Doing Business Under the Name of McCane-Sondock Detective Agency,
Petitioners,
683 vs.
L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Guy A. Thompson, Trustee of the Missouri Pacific Railroad Company,
Petitioner,
686 vs.
Louise P. McPherson, Administratrix of the Estate of Jason B. McPherson, Deceased.

On petition for writ of certiorari to the Springfield Court of Appeals of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Springfield Court of Appeals of the State of Missouri and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Band-it Company and Dental Specialty Company,

Petitioners,

692 vs.

Michael J. McAneny, Jr.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

L. & C. Mayers Co., Inc.,

Petitioner,

693 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Burrus Mill & Elevator Company of Oklahoma,

Petitioner,

694 vs.

The Chicago, Rock Island & Pacific Railway Company, Frank O. Lowden, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

American Automobile Insurance Company,

Petitioner,

700 vs.

Employers Mutual Casualty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Glenn Hill,

Petitioner,

703 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Glenn Hill,

Petitioner,

703 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Chris Pedersen, Individually, etc.,

Petitioner,

396 vs.

J. F. Fitzgerald Construction Co.

O R D E R

The judgment entered in this case on February 8, 1943, is amended by adding the following: "and without prejudice to a determination of the nature of the employment of any members of the class on whose behalf this suit has been brought."

Per Mr. Chief Justice Stone.*

Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this order.

Chris Pedersen, Individually, etc.,

Petitioner,

396 vs.

J. F. Fitzgerald Construction Co.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Gretta Lafuente,

Petitioner,

566 vs.

County of Los Angeles.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this motion.

---

*See Minutes for February 8, 1943, for amended judgment.

Gretta Lafuente,

Petitioner,

566 vs.

County of Los Angeles.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Ex parte James B. Goodrich,

Petitioner.

——.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Ex parte John Mosher,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Norman Baker,

Petitioner,

451 vs.

Walter A. Hunter, Successor, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Louisville Gas and Electric Company,

Petitioner,

616 vs.

Federal Power Commission.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

The Court will take a recess from Monday, March 15, until Monday, April 5, next.

Vivian Wycliff Buie,

Petitioner,

459 vs.

The United States of America.

ON CONSIDERATION of the motion of counsel for the petitioner to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 27.

Per Mr. Chief Justice Stone.

Ex parte Martin M. Goldman and
Jacob P. Shulman,

Petitioners,

—, Original.

Motion for leave to file petition for writ of mandamus presented.

Rosie Lee Jackson, et al., Petitioners, vs. Gulf Refining Company, et al. 697

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

It appearing to the Court that counsel for the petitioners has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

National Labor Relations Board,

Petitioner,

460 vs.

Southern Bell Telephone and Telegraph Company; and

National Labor Relations Board,

Petitioner,

461 vs.

Southern Association of Bell Telephone Employees.

Argument continued by Mr. Robert B. Watts for the petitioner; by Mr. Marion Smith for the respondent in No. 460; by Mr. James A. Branch for the respondent in No. 461; and concluded by Mr. Robert B. Watts for the petitioner.

The Washington Terminal Company,

Petitioner,

28 vs.

F. E. Boswell.

Four hours allowed for reargument.

Reargument commenced by Mr. John Dickinson for the petitioner and continued by Mr. Willard H. McEwen for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

- - - - - - - - - - - -

Robert Redus, alias Robert Rudus,
Petitioner,
704 vs.
State of Alabama.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert Redus, alias Robert Rudus,
Petitioner,
704 vs.
State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Redus, alias Robert Rudus,

Petitioner,

704 vs.

State of Alabama.

ON CONSIDERATION of the application for stay of execution in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Washington Terminal Company,

Petitioner,

28 vs.

F. E. Boswell, E. R. Burkhead, et al.

Reargument continued by Mr. Willard H. McEwen for the respondents and concluded by Mr. Robert L. Stern for The United States, as amicus curiae, by special leave of Court.

Joseph Galloway, by Freda Galloway, his Guardian,

Petitioner,

553 vs.

The United States of America.

Argued by Mr. Warren E. Miller for the petitioner and by Mr. Lester P. Schoene for the respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

488 vs.

Chicago Stock Yards Company.

Argument commenced by Mr. Assistant Attorney General Clark for the petitioner.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, MARCH 10, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. David C. Haynes, It is ordered that Theodore T. Macejko, Esquire, of Struthers, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Mills Meacham, It is ordered that Lucille Pryor, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph L. Borda, It is ordered that George R. Sommer, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Thelma Martin,

Appellant,

238 vs.

City of Struthers, Ohio.

ON CONSIDERATION of the motion of Mr. Jordon R. Bentley in behalf of the American Civil Liberties Union for leave to file brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

488 vs.

Chicago Stock Yards Company.

Argument continued by Mr. Assistant Attorney General Clark for the petitioner; by Mr. George Wharton Pepper for the respondent; and concluded by Mr. Assistant Attorney General Clark for the petitioner.

Rosco Jones,

Petitioner

280, October Term, 1941. vs.

City of Opelika;

Lois Bowden and Zada Sanders,
Petitioners,

314, October Term, 1941, vs.

City of Fort Smith, Arkansas;

Charles Jobin,

Appellant,

966, October Term, 1941. vs.

The State of Arizona;

Robert Murdock, Jr.,

Petitioner,

480 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Anna Perisich,

Petitioner,

481 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Willard L. Mowder,

Petitioner,

482 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Charles Seders,

Petitioner,

483 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Robert Lamborn,

Petitioner,

484 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Anthony Maltezos,

Petitioner,

485 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Anastasia Tzanes,

Petitioner,

486 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Ellaine Tzanes,

Petitioner,

487 vs.

Commonwealth of Pennsylvania
(City of Jeannette); and

Robert L. Douglas, et al.,

Petitioners,

450 vs.

City of Jeannette (Pennsylvania),
a municipal corporation, etal.

Reargument of Nos. 280, 314, and 966, October Term, 1941, and argument of Nos. 480 to 487 and No. 450 commenced by Mr. Hayden C. Covington for the petitioners and appellant and continued by Mr. Fred B. Trescher for the respondents in Nos. 480 to 487 and No. 450.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, MARCH 11, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that J. W. West, Jr., Esquire, of Kingsport, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Earl Smith, It is ordered that Sidney V. Smith, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Delos G. Smith, It is ordered that Carl J. Batter, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Manuel I. Abella, It is ordered that G. E. V. Pelikan, Esquire, of Matawan, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Sapienza, It is ordered that Clarence G. Pickard, Esquire, of Jamestown, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Gerald Toye, It is ordered that Arthur Leon Bertram Richardson, Esquire, of Schenectady, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

G. E. Burford, et al.,

Petitioners,

495 vs.

Sun Oil Company, et al.;

Sun Oil Company, et al.,

Petitioners,

496 vs.

G. E. Burford, et al.; and

O. L. Hastings, et al.,

Petitioners,

528 vs.

Selby Oil & Gas Company, et al.

These cases are restored to the docket for reargument. In their briefs and on the oral argument, counsel are requested to include a discussion of the following questions:

(1) Does the jurisdiction of federal district courts over controversies between citizens of different states include jurisdiction to review the orders, involved in these cases, of the Texas Railroad Commission? More particularly,

(a) Is the court proceeding provided by Texas law for judicial examination of the orders of the commission a "case or controversy" within the meaning of Article III of the United States Constitution?

(b) Assuming it involves a case or controversy, does it also involve the determination of state governmental policy committed by state statutes to the state administrative process?

(c) Does Article 6049 (c) of the Texas Civil Statutes, in providing that review of the commission's order shall be in "a court of competent jurisdiction in Travis County, Texas, and not elsewhere", confine that review to a state court in Travis County?

(2) Are there grounds similar to those existing in Railroad Comm'n v. Pullman Co., 312 U.S. 496, which make it appropriate for the district court in its discretion to withhold the exercise of its equity jurisdiction?

(3) In view of the recent decisions of the Texas courts, are there grounds similar to those existing in Railroad Comm'n v. Rowan & Nichols Oil Co., 311 U.S. 614, 615, which make it appropriate for the district court to decline jurisdiction of the cause?

Per Mr. Chief Justice Stone.

Robert Redus,

Petitioner,

704 vs.

State of Alabama.

ORDER

UPON CONSIDERATION of the application of counsel for the petitioner,

IT IS ORDERED that the execution and enforcement of the sentence of death imposed upon the petitioner by the Supreme Court of Alabama and by the Circuit Court of Limestone County, Alabama, be and the same hereby is stayed to and including April 5th next in order to permit this Court to consider a petition for rehearing to be filed prior to that date.

Should a petition for rehearing be filed and granted then this stay is to continue until the final disposition of the case by this Court.

HARLAN F. STONE
Chief Justice of the United States.

- - - - - - - - - - - - - - - - - -

Rosco Jones,
Petitioner,
280, October Term, 1941 vs.

City of Opelika;

Lois Bowden and Zada Sanders,
Petitioners,
314, October Term, 1941 vs.

City of Fort Smith, Arkansas;

Charles Jobin,
Appellant,
966, October Term, 1941 vs.

The State of Arizona;

Robert Murdock, Jr.,
Petitioner,
480 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Anna Perisich,
Petitioner,
481 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Willard L. Mowder,
Petitioner,
482 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Charles Seders,
Petitioner,
483 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Robert Lamborn,
Petitioner,
484 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Anthony Maltezos,
Petitioner,
485 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Anastasia Tzanes,
Petitioner,
486 vs.

Commonwealth of Pennsylvania
(City of Jeannette);

Ellaine Tzanes,
Petitioner,
487 vs.

Commonwealth of Pennsylvania
(City of Jeannette); and

Robert L. Douglas, et al.,
Petitioners,
450 vs.

City of Jeannette (Pennsylvania),
a municipal corporation, et al.

Argument continued by Mr. Fred B. Trescher for the respondents in Nos. 480 to 487 and No. 450 and concluded by Mr. Hayden C. Covington for the petitioners and appellant. No appearance for the respondents and appellee in Nos. 280, 314, and 966, October Term, 1941.

Thelma Martin,
Appellant,
238 vs.

City of Struthers, Ohio.

Argued by Mr. Hayden C. Covington for the appellant and by Mr. David C. Haynes and Mr. Theodore T. Macejko for the appellee.

The West Virginia State Board
of Education, etc., et al.,
Appellants,
591 vs.

Walter Barnette, et al.

Argued by Mr. W. Holt Wooddell for the appellants and by Mr. Hayden C. Covington for the appellees.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until to-morrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that J. S. Allen, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Sparkman, It is ordered that Newton Benjamin Powell, Esquire, of Decatur, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel W. Knowlton, It is ordered that Mortimer Allen Sullivan, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur L. Quinn, It is ordered that William Mertens, Jr., Esquire, of New York, State of New York, and L. Lawrence Green, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond C. Cushwa, It is ordered that Henry H. Hanna, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

National Broadcasting Company, Inc., et al.,

Appellants,

554 vs.

The United States of America.

ON CONSIDERATION of the motion for a temporary restraining order in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the stay entered by the District Court of the United States for the Southern District of New York be, and the same is hereby, continued until ten days after the filing in the District Court of this Court's mandate upon decision of the appeal.

Per Mr. Chief Justice Stone.

Columbia Broadcasting System, Inc.,

Appellant,

555 vs.

The United States of America, et al.

ON CONSIDERATION of the motion for a temporary restraining order in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the stay entered by the District Court of the United States for the Southern District of New York be, and the same is hereby, continued until ten days after the filing in the District Court of this Court's mandate upon decision of the appeal.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

William Schneiderman,

Petitioner,

2 vs.

The United States of America.

Three hours allowed for reargument.

Reargued by Mr. Wendell L. Willkie for the petitioner and by Mr. Solicitor General Fahy for the respondent.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, March 15, next, at 12 o'clock.

MONDAY, MARCH 15, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Arthur V. Getchell, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon Meade Atherholt, It is ordered that Escar R. Wren, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam M. Russell, It is ordered that Bailey M. Salmon, Esquire, of Longview, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis E. Walter, It is ordered that Anthony John Marion, Esquire, of Waynesburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Taft, It is ordered that Harry Palmer Jeffrey, Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gerald B. Brophy, It is ordered that Homer Hudson Henrie, Esquire, of Xenia, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Allan D. Emil, as Trustee in Bankruptcy of John M. Russell, Inc.,

Petitioner,

551 vs.

Harry Hanley, Receiver.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York.

Per Mr. Justice Douglas.

Mr. Justice Rutledge did not participate in the consideration or decision of this case.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

11 vs.

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed in part and affirmed in part, each party in this Court to pay its own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson and Mr. Justice Rutledge did not participate in the consideration or decision of this case.

Opinion by Mr. Justice Roberts dissenting in part.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

12 vs.

Union Trust Co. and Illinois State Trust Co., as Trustees, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed in part and affirmed in part, each party in this Court to pay its own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson and Mr. Justice Rutledge did not participate in the

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

13 vs.

Israel A. Abrams, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed in part and affirmed in part, each party in this Court to pay his or its own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson and Mr. Justice Rutledge did not participate in the consideration or decision of this case.

Opinion by Mr. Justice Roberts dissenting in part.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

14 vs.

H. C. Orton, et al., etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed in part and affirmed in part, each party in this Court to pay his or its own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson and Mr. Justice Rutledge did not participate in the consideration or decision of this case.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

15 vs.

Guaranty Trust Co. of New York, et al., etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed in part and affirmed in part, each party in this Court to pay its own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson and Mr. Justice Rutledge did not participate in the consideration or decision of this case.

Opinion by Mr. Justice Roberts dissenting in part.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

16 vs.

Chicago, Terre Haute & Southeastern Ry. Co., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed in part and affirmed in part, each party in this Court to pay its own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson and Mr. Justice Rutledge did not participate in

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

17 vs.

United States Trust Co. of New York, as Trustee, etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed in part and affirmed in part, each party in this Court to pay its own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson and Mr. Justice Rutledge did not participate in the consideration or decision of this case.
Opinion by Mr. Justice Roberts dissenting in part.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

18 vs.

Trustees of Princeton University, et al., etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed in part and affirmed in part, each party in this Court to pay its or their own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson and Mr. Justice Rutledge did not participate in the consideration or decision of this case.
Opinion by Mr. Justice Roberts dissenting in part.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

19 vs.

E. Stanley Glines, et al., etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed in part and affirmed in part, each party in this Court to pay its or his own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson and Mr. Justice Rutledge did not participate in the consideration or decision of this case.
Opinion by Mr. Justice Roberts dissenting in part.

Reconstruction Finance Corporation,

Petitioner,

32 vs.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed in part and affirmed in part, each party in this Court to pay its own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson and Mr. Justice Rutledge did not participate in the consideration or decision of this case.
Opinion by Mr. Justice Roberts dissenting in part.

Frederick H. Ecker, John W. Stedman and Reeve Schley, Constituting the Institutional Bondholders Committee,

Petitioners,

7 vs.

Western Pacific Railroad Corporation, A. C. James Co., et al.

Crocker First National Bank of San Francisco and Samuel Armstrong, as Trustees Under The Western Pacific Railroad Company First Mortgage Dated June 26, 1916,

Petitioners,

8 vs.

Western Pacific Railroad Corporation, The Western Pacific Railroad Company, Irving Trust Company, etc., et al..

The Western Pacific Railroad Company,

Petitioner,

20 vs.

Frederick H. Ecker, et al.

Reconstruction Finance Corporation,

Petitioner,

33 vs.

Western Pacific Railroad Corporation, A. C. James Co., et al.

Irving Trust Company, as Substituted Trustee Under the General and Refunding Mortgage of Western Pacific Railroad Company,

Petitioner,

61 vs.

Crocker First National Bank of San Francisco, et al., etc.

On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the Circuit Court of Appeals in this cause, be, and the same is hereby, reversed; and that the judgment of the District Court in this cause, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that costs in this Court be assessed against the losing parties on this review of the action of the District Court, and that the prevailing parties here, Frederick H. Ecker, et al., constituting the Institutional Bondholders Committee, Crocker First National Bank of San Francisco and Samuel Armstrong, Trustees of the First Mortgage of the Western Pacific Railroad Company, and the Reconstruction Finance Corporation recover their taxable costs expended in this Court. This assessment is without prejudice to a motion for allowance for disbursements by respondents in accordance with Sec. 77 of the Bankruptcy Act, subsection (c) (12).

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Reed.

Mr. Justice Frankfurter agrees with the opinion of the Court barring only the views expressed regarding the respective functions of the Interstate Commerce Commission and the District judge, under Section 77 of the Bankruptcy Act.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Roberts in which Mr. Justice Frankfurter joins.

The United States of America,	Appeal from the District Court of
Appellant,	the United States for the District
529 vs.	of Colorado.
Swift and Company, Armour and Company, The Cudahy Packing Company, et al.	

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Colorado, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that this cause be, and the same is hereby, remanded to the United States Circuit Court of Appeals for the Tenth Circuit in compliance with the Act of May 9, 1942, amending the Criminal Appeals Act, 18 U. S. C. Sec. 682.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Jackson.

Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy.

- - - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

People of the United States ex rel. James Purcell,

Petitioner,

—— vs.

State of New York, et al.

ON CONSIDERATION of the application submitted herein by James Purcell,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Daisy D. Wilson,

Petitioner.

—, Original.

ON CONSIDERATION of the applications submitted herein by Daisy D. Wilson,

IT IS ORDERED by this Court that the said applications be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles H. Cochran,

Petitioner.

—, Original.

ON CONSIDERATION of the application submitted herein by Charles H. Cochran,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Martin M. Goldman and
Jacob P. Shulman,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Sam Miner,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Joe Sowder,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Joseph Greco,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Complainant,

12, Original. vs.

The State of Louisiana, Louisiana Land and Exploration Company, Louisiana Gulf Refining Company, and Southern Sulphur Corporation.

ORDER

It is ordered that Streeter B. Flynn, Esquire, of Oklahoma City, Oklahoma, be, and he is hereby, appointed a Commissioner in this cause, for the purpose of perpetuating testimony, with authority to summon witnesses at the request of the parties, to issue subpoenas, and to take such evidence as may be introduced and such additional testimony as he may deem it necessary to call for from the persons summoned as witnesses at the request of the parties. The Commissioner is directed to take and return the evidence with all convenient speed; but he shall not make any findings of fact or state any conclusions of law. The Commissioner shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowance to him, the compensation paid to his stenographic and clerical assistants, and any other costs which it shall be necessary for him to incur, shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. If the place of Commissioner becomes vacant during a recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

Per Mr. Chief Justice Stone.

Clearfield Trust Company, a Corporation, and J. C. Penney Company, a Corporation,

Petitioners,

490 vs.

The United States of America.

ORDERED that the opinion in this case dated March 1, 1943, be amended by striking the sentence beginning on the 5th line from the bottom of page 3, which reads: "Its facts are practically on all fours with those of the present case."

Per Mr. Chief Justice Stone.

Matton Steamboat Co., Inc., et al.,

Appellants,

783 vs.

Frieda S. Miller, as Industrial Commissioner of the State of New York, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing on the merits. Counsel are requested to discuss in their briefs and on the oral argument the questions (1) whether the appeal was applied for within the time provided by law, and (2) whether the judgment is final.

Per Mr. Chief Justice Stone.

Lake Tankers Corporation,

Appellant,

813 vs.

Frieda S. Miller, as Industrial Commissioner of the State of New York, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing on the merits. Counsel are requested to discuss in their briefs and on the oral argument the questions (1) whether the appeal was applied for within the time provided by law, and (2) whether the judgment is final.

Per Mr. Chief Justice Stone.

County of Mahnomen, a Municipal Corporation,

Petitioner,

684 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Benjamin W. Freeman, Petitioner, vs. Bee Machine Company, Inc. — Order allowing certiorari.

707

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Virginia Electric and Power Company, Petitioner, vs. National Labor Relations Board. — Order allowing certiorari.

709

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Louis Buchalter, Petitioner vs. People of the State of New York. — On petition for writ of certiorari to the County Court of Kings County, State of New York.

606

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

Upon consideration thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted.

And it is further ordered that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Emanuel Weiss, Petitioner, vs. People of the State of New York. — On petition for writ of certiorari to the Court of Appeals of the State of New York.

610

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

Upon consideration thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted.

And it is further ordered that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis Capone, Petitioner, vs. The People of the State of New York. — On petition for writ of certiorari to the County Court of Kings County, State of New York.

619

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

Upon consideration thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted.

And it is further ordered that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Louis Buchalter,

Petitioner,

606 vs.

People of the State of New York.

Emanuel Weiss,

Petitioner,

610 vs.

People of the State of New York.

Louis Capone,

Petitioner,

619 vs.

The People of the State of New York.

Ordered that execution and enforcement of the sentences of death imposed upon the petitioners in these cases by the County Court of Kings County, State of New York, December 2, 1941, affirmed by the Court of Appeals of the State of New York, October 30, 1942, be, and the same hereby is, stayed until the further order of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this order.

The United States of America, Petitioner, vs. The First National Bank, Albuquerque, New Mexico. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

695

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Peoples Packing Company, Inc., Petitioner, vs. L. Metcalf Walling, Administrator of the Wage and Hour Division, United States Department of Labor. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

699

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Aintree Corporation, Petitioner, vs. National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

702

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Quality and Service Laundry, Inc., Petitioner,
706 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

People of Puerto Rico, Petitioner,
714 vs.
The United States of America, Gonzalez Hermanos & Co., S. en C.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

People of Puerto Rico, Petitioner,
715 vs.
The United States of America, Arturo Bravo y Nieves and Christina Acevedo Barreto, His Wife.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William L. Murray, as Agent for and on Behalf of James Reddick and Others Similarly Situated,

Petitioner,

719 vs.

Noblesville Milling Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Chicago, Terre Haute and Southeastern Railway Company, et al.,

Petitioners,

39 vs.

Group of Institutional Investors, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company,

Petitioner,

47 vs.

Group of Institutional Investors, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Trustees of Princeton University, et al.,
Petitioners,
51 vs.
Group of Institutional Investors, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Guaranty Trust Company of New York, etc., et al.,
Petitioners,
52 vs.
Group of Institutional Investors, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

E. Stanley Glines, etc., et al.,
Petitioners,
53 vs.
Group of Institutional Investors, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of

H. C. Orton, et al.,
Petitioners,
54 vs.
Group of Institutional Investors, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

United States Trust Company, as Trustee,
Petitioner,
55 vs.
Group of Institutional Investors, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Orman W. Ewing,
Petitioner,
661 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Ogden H. Hammond, Jr.,

Petitioner,

690 vs.

Cordell Hull, Adolph A. Berle, Jr., Breckinridge Long, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Ogden H. Hammond, Jr.,

Petitioner,

690 vs.

Cordell Hull, Adolph A. Berle, Jr., Breckinridge Long, et al.

ON CONSIDERATION of the motion for leave to supplement the complaint in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this motion.

Jack Graham,

Petitioner,

685 vs.

Warden, United States Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jack Graham,
Petitioner,
685 vs.
Warden, United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Joseph P. Lynch,
Petitioner,
701 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph P. Lynch,
Petitioner,
701 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Hazel Frances Goodale,

Petitioner,

784 vs.

Charles S. Campbell, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Hazel Frances Goodale,

Petitioner,

784 vs.

Charles S. Campbell, et al.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. Ely Goldsmith,

Petitioner,

630 vs.

Joseph W. Sanford, Warden, etc.

ON CONSIDERATION of the application submitted herein by H. Ely Goldsmith,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Enoch L. Johnson,

Petitioner,

273 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Russell W. McDermott,

Petitioner,

632 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Mrs. John Hilley,

Petitioner,

348 vs.

Wid Spivey, Sheriff; and

Tully B. Killam,

Petitioner,

350 vs.

City of Floresville.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

The Gerity-Whitaker Company, et al.,

Petitioners,

622 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Pickering Lumber Company,

Petitioner,

633 vs.

Sophia Whiteside, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

J. Wanroy Garrow, et al.,

Petitioners,

634 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

P. Gerald Thomas,

Petitioner,

642 vs.

The United States of America; and

P. Gerald Thomas,

Petitioner,

643 vs.

George W. Rossetter, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

William Dudley Pelley,

Petitioner,

645 vs.

The United States of America;

Lawrence A. Brown,

Petitioner,

646 vs.

The United States of America; and

Fellowship Press, Inc.,

Petitioner,

647 vs.

The United States of America.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Allied Mills, Inc.,

Appellant,

669 vs.

Department of Treasury of the State of Indiana, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

- - - - - - - - - - - -

Adah Lenora Saunders,

Petitioner,

705 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

It appearing to the Court that counsel for the petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, April 5, next at 12 O'clock.

MONDAY, APRIL 5, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Wiley Rutledge. Associate Justices.

Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Julian Webb, Esquire, of Valdosta, State of Georgia; Terence P. McDermott, Esquire, of Milwaukee, State of Wisconsin, and Warren J. Kenney, Esquire, of Wauwatosa, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that Thomas D. Woodward, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fadjo Cravens, It is ordered that Horace Zed Gant, Esquire, of Van Buren, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Bernays Wiener, It is ordered that Bernice L. Keplinger, of Canton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. William John Kenney, It is ordered that Lee Gilmour Paul, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that J. Marcus Hardin, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Wyatt, It is ordered that Arnold R. Boyd, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. W. King, It is ordered that A. Lincoln Herr, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis R. Kirkham, It is ordered that L. F. Kuechler, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. H. Thatcher, It is ordered that Anthony A. Pablo, Esquire, of Clifton, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. Bowie Duckett, Jr., It is ordered that Charles T. LeViness, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard P. Harless, It is ordered that Gordon Parley, Esquire, of Nogales, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dale D. Drain, It is ordered that Laurence R. Hamblen, Esquire, of Spokane, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. McClure, It is ordered that William D. Lyerle, Esquire, of Jonesboro, State of Illinois, and T. Herbert Hamilton, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss Mary C. Vann, It is ordered that Mary C. Martin, of Springfield, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. L. J. Benckenstein, It is ordered that George W. Brown, Jr., Esquire, of Beaumont, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Sophronia Jane Lasica, It is ordered that Edmund C. Bowie, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer L. McCormick, It is ordered that George L. Powell, Esquire, of York, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip M. Glick, It is ordered that Robert A. Leflar, Esquire, of Fayetteville, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alan W. Joslyn, It is ordered that Lee E. Joslyn, Jr., Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank D. Scott, It is ordered that Charles J. Wick, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James V. Hayes, It is ordered that Francis J. Mahoney, Esquire, of New York, State of New York, and Gerald P. Culkin, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Palmer, It is ordered that John Cincotta, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Manuel I. Abella, It is ordered that Estela Romauldez Sulit, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Lionel G. Anderson, It is ordered that Morris Amchan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry C. Robb, It is ordered that Earl Babcock, Esquire, of Duncan, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Cotton, It is ordered that Jack N. Tucker, Esquire, of Detroit, State of Michigan, and Morton A. Eden, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

Joseph De Zon,

Petitioner,

436 vs.

American President Lines, Ltd.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed without costs in this Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Jackson.

Mr. Justice Rutledge did not participate in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.

Fred Fisher Music Co., Inc., and George Graff, Jr.,

Petitioners,

327 vs.

M. Witmark & Sons.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circu and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of th United States for the Southern District of New York.

Per Mr. Justice Frankfurter.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy.

The Creek Nation, Petitioner, vs. The United States. — On writ of certiorari to the Court of Claims.

321

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Frankfurter joins.

The Seminole Nation, Petitioner, vs. The United States. — On writ of certiorari to the Court of Claims.

322

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Frankfurter joins.

Guy T. Helvering, Commissioner of Internal Revenue,
Petitioner,
vs.
R. A. Sprouse.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

22

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Emil H. Strassburger,
Petitioner,
vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

66

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Fidelity Assurance Association, a Corporation, Debtor, and Central Trust Company, Trustee for Fidelity Assurance Association,

Petitioners,

319 vs.

Edgar B. Sims, Auditor of the State of West Virginia, and Ex-Officio Insurance Commissioner of the State of West Virginia, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of West Virginia.

Per Mr. Justice Roberts.

Mr. Justice Douglas and Mr. Justice Rutledge took no part in the consideration or decision of this case.

G. E. Myers, Trustee of the Estate of Marshall Reno Matley, Formerly Doing Business Under the Name and Style of Matley's Food Stores,

Petitioner,

540 vs.

Verna May Matley.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Nevada.

Per Mr. Justice Roberts.

Ex parte Republic of Peru, Owner of the Peruvian Steamship "Ucayali",

Petitioner,

On motion for Leave to File Petition for a Writ of Prohibition and/or a Writ of Mandamus.

13, Original.

This cause came on to be heard on the motion for leave to file petition for a writ of prohibition and/or a writ of mandamus and on the return to the rule to show cause thereupon issued, and was argued by counsel.

On consideration whereof, it is ordered by this Court that the motion for leave to file be, and the same is hereby, granted as indicated in the opinion of the Court. In view of the Court's opinion, it is assumed that formal issuance of the writ will be unnecessary. The Court directs that the writ issue only on further application by the petitioner.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts concurs in the result.

Dissenting opinion by Mr. Justice Frankfurter.

Mr. Justice Reed is of the opinion that this Court has jurisdiction to grant the writ requested, Ex parte United States, 287 U. S. 241, but concurs in the dissent of Mr. Justice Frankfurter on the ground that application for the writ sought should have been made first to the Circui Court of Appeals.

- - - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Agricultural Prorate Commission of the State of California, et al.,

Appellants,

288 vs.

Mutual Orange Distributors, a Corporation, et al.

Appeal from the District Court of the United States for the Southern District of California.

It appearing to the Court that counsel for the appellants have filed a motion to vacate the judgment of the District Court and to remand the cause with directions to dismiss the bill of complaint.

On consideration whereof, it is ordered by this Court that the said motion be, and the same is hereby, granted.

It is further ordered that the judgment of the District Court in this cause be, and the same is hereby, vacated, without costs to either party in this Court; and that this cause be, and the same is hereby, remanded to the District Court with directions to dismiss the bill of complaint as moot.

Per Mr. Chief Justice Stone.

Ex parte Forest G. Wood,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice for the reasons stated in Ex parte Elmer Davis, decided March 8, 1943.

Per Mr. Chief Justice Stone.

Ex parte Edward J. Borah,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Clarence M. Holmes,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles Jennings,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank Kuczynski,

Petitioner.

—.

ON CONSIDERATION of the application submitted herein by Frank Kuczynski.

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. M. Anderson, Receiver, etc.,

Petitioner,

497 vs.

Katherine Kirkpatrick Abbott, Administratrix, etc., et al.

O R D E R

This case is ordered restored to the docket for reargument.

Per Mr. Chief Justice Stone.

Gordon Kiyoshi Hirabayashi,

870 vs.

The United States of America.

In accordance with section 239 of the Judicial Code (28 U.S.C., section 346), it is ordered that the entire record in this case be certified up to this Court so that the whole matter in controversy may be considered by the Court.

Per Mr. Chief Justice Stone.

Minoru Yasui,

871 vs.

The United States of America.

In accordance with section 239 of the Judicial Code (28 U. S. C., section 346), it is ordered that the entire record in this case be certified up to this Court so that the whole matter in controversy may be considered by the Court.

Per Mr. Chief Justice Stone.

George Sylvester Viereck,

Petitioner,

458 vs.

The United States of America.

ON CONSIDERATION of the motion of the petitioner to dismiss his motion to make the mandate in this case more definite and certain,

IT IS ORDERED by this Court that the said motion to dismiss be, and the same is hereby, granted, and the motion to make the mandate more definite and certain is dismissed.

Per Mr. Chief Justice Stone.

The Hunter Company, Inc.,

Appellant,

816 vs.

Joseph L. McHugh, Commissioner of Conservation of the State of Louisiana, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

R. E. Taylor,

Appellant,

826 vs.

State of Mississippi.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Betty Benoit,

Appellant,

827 vs.

State of Mississippi.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Clem Cummings,

Appellant,

828 vs.

State of Mississippi.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

840 vs.

Dick Johnson.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of jurisdiction is postponed to the argument on the merits. Counsel are requested to discuss in their briefs and on the oral argument the questions (1) whether the suit is collusive; (2) whether the decision of the District

Court is of such character as to be directly appealable to this Court under 28 U. S. C. Sec. 349a; (3) whether any case or controversy exists reviewable in this Court, in the absence of an appeal by the party plaintiff defeated in the District Court; (4) whether the questions decided by the District Court were within its jurisdiction, in view of the provisions of Sec. 204(d) of the Emergency Price Control Act of 1942.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner,

717 vs.

Joseph H. Dotterweich.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Frank Roberts, Petitioner,

756 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Samuel Green, d.b.a. Green Vacuum Cleaner Company (Not Inc.),

Petitioner,

794 vs.

Electric Vacuum Cleaner Company, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Thad Benson Carter,

Petitioner,

750 vs.

George A. Kubler.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, limited to the first question presented by the petition and the case is transferred to the summary docket. Counsel are requested to discuss in their briefs and on the oral argument the question whether the error, if any, was cured by the District Court's review.

AND IT IS FURTHER ORDERED that the duly certified copy of th transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

J. Oliver Hill, Administrator of the Estate of Bertha Byrd, Deceased,

Petitioner,

708 vs.

Francis L. Hawes, Individually and as Trustee and Raymond D. Evans, Trustee.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, and the ca is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Virginian Hotel Corporation of Lynchburg,

Petitioner,

766 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Great Lakes Dredge & Dock Company, et al.,

Petitioners,

849 vs.

Philip J. Charlet, Administrator, Division of Employment Security, Louisiana Department of Labor, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for argument immediately following No. 813. Counsel are requested to discuss in their briefs and on the oral argument the question whether the declaratory judgment procedure can be appropriately used in this case where the complaint seeks a judgment against a state officer to prevent enforcement of a state statute.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

L. McLeod,

Petitioner,

787 vs.

M. C. Threlkeld, et al., Doing Business as Threlkeld Commissary Company, a Partnership.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

L. McLeod,

Petitioner,

787 vs.

M. C. Threlkeld, et al., Doing Business as Threlkeld Commissary Company, a Partnership.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

A. M. Mead,

Petitioner,

688 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Central West Coal Company,
Petitioner,
724 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Reading Company,
Petitioner,
743 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Helen M. Githens,
Petitioner,
748 vs.
Estate of George W. Zoell, Deceased.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

People of the State of Illinois, ex rel. City of Highland Park,

Petitioner,

718 vs.

George R. McKibbin, Director of Finance of the State of Illinois, Successor to A. M. Carter.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Monroe J. Stewart,

Petitioner,

744 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Washington, Marlboro and Annapolis Motor Lines, Inc.,

Petitioner,

747 vs.

Leon Henderson, Price Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

John Clayton Cridlebaugh, Trading as Marvel Company,

Petitioner,

755 vs.

Maurice L. Rudolph, Trading as Rudolph Poultry Equipment Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Malcolm H. MacBryde, Jr., Individually and as Administrator C. T. A. of Leroy Parker, Deceased, and Mary D. Winder,

Petitioners,

807 vs.

Alice D. Parker, Executrix of Robert B. Parker, Deceased, and Also Individually, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Malcolm H. MacBryde, Jr., Individually and as Administrator C. T. A. of Leroy Parker, Deceased and Mary D. Winder,

Petitioners,

808 vs.

John W. Davidge, Individually, and as Trustee or Assignee of Eleanor Ridgely Parker and as Executor of Her Estate and Catherine Ridgely Brown.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Cooperative Transit Company, Petitioner, vs. West Penn Electric Company, West Penn Railways Company, Tri-State Improvement Company, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

770

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Sam Cerami, Petitioner, vs. Wm. D. Haas, Jr. — On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

773

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

General Shale Products Corporation, Petitioner, vs. Struck Construction Company, Southern Brick & Tile Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

775

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Colonial Milling Company,
Petitioner,
782 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Maurice Levy,
Petitioner,
785 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mitsubishi Shoji Kaisha, Ltd., General Petroleum Corporation of California, Royal Indemnity Company, et al.,
Petitioners,
789 vs.
Societe Purfina Maritime, a Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Max Stephan,
Petitioner,
792 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

The City of New York,
Petitioner,
793 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

City of Indianapolis,
Petitioner,
798 vs.
Dan H. Wheeler, Acting Director Bituminous Coal Division of the Department of the Interior of the United States and District Board No.8.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the con-

R. L. Hyer and W. M. Davis and Son Company, a Corporation,

Petitioners,

820 vs.

Benjamin H. Roth, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Charles A. Miller,

Petitioner,

751 vs.

Wisconsin Department of Taxation and Elmer S. Barlow, as Commissioner of Taxation of the State of Wisconsin.

It appearing to the Court that counsel for the respective parties have filed a stipulation to substitute Arthur E. Wegner, present Commissioner of Taxation of the State of Wisconsin, as a party respondent in the place and stead of Elmer S. Barlow;

Therefore, pursuant to said stipulation, it is ordered that Arthur E. Wegner, present Commissioner of Taxation of the State of Wisconsin, be, and he is hereby, substituted as a party respondent in the place and stead of Elmer S. Barlow.

Per Mr. Chief Justice Stone.

Charles A. Miller,

Petitioner,

751 vs.

Wisconsin Department of Taxation and Arthur E. Wegner, as Commissioner of Taxation of the State of Wisconsin.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dixie Rose Nursery,

Petitioner,

763 vs.

Conway P. Coe, Commissioner of Patents.

ON CONSIDERATION of the motion to dispense with the printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this motion.

Dixie Rose Nursery,

Petitioner,

763 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Marco Reginelli,
Petitioner,
767 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that certiorari should be granted.

Duncan C. McCrea,
Petitioner,
651 vs.
The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Thomas C. Wilcox,
Petitioner,
738 vs.
The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eddie Way,
Petitioner,
739 vs.
The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Ben Landsberg,
Petitioner,
740 vs.
The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Louis Elliott,
Petitioner,
741 vs.
The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of

Clyde Stambaugh,

Petitioner,

742 vs.

The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Bertha Malone,

Petitioner,

771 vs.

The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Duncan C. McCrea, Petitioner,
651 vs.
The People of the State of Michigan;

Thomas C. Wilcox, Petitioner,
738 vs.
The People of the State of Michigan;

Eddie Way, Petitioner,
739 vs.
The People of the State of Michigan;

Ben Landsberg, Petitioner,
740 vs.
The People of the State of Michigan;

Louis Elliott, Petitioner,
741 vs.
The People of the State of Michigan;

Clyde Stambaugh, Petitioner,
742 vs.
The People of the State of Michigan; and

Bertha Malone, Petitioner,
771 vs.
The People of the State of Michigan.

The orders heretofore entered staying the execution and enforcement of the sentences of the Circuit Court of Wayne County, State of Michigan, in these cases are vacated.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this order.

Edward D. Markham,

Petitioner,

746 vs.

People of the State of Illinois,
ex rel. Earle G. H. Cromer, et al.

ON CONSIDERATION of the motion of the Illinois State's Attorney's Association for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edward D. Markham,

Petitioner,

746 vs.

People of the State of Illinois,
ex rel. Earle G. H. Cromer, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond Nichols, et al.,

Petitioners,

712 vs.

Frank Kubina.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Raymond Nichols, et al., Petitioners, vs. Frank Kubina. 712

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Victor S. Moore, Petitioner, vs. The United States of America. 745

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Victor S. Moore, Petitioner, vs. The United States of America. 745

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Estella Reece, a Widow,

Petitioner,

754 vs.

Theodore Ebersbach, Charles Ebersbach and S. B. Brinson, etc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Estella Reece, a Widow,

Petitioner,

754 vs.

Theodore Ebersbach, Charles Ebersbach and S. B. Brinson, etc.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph E. Jones,

Petitioner,

764 vs.

Hon. Francis Biddle, Attorney General of the United States.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph E. Jones,
Petitioner,
764 vs.
Hon. Francis Biddle, Attorney General of the United States.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Jack Clarence Dodd,
Petitioner,
768 vs.
State of Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Jack Clarence Dodd,
Petitioner,
768 vs.
State of Kansas.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Board of County Commissioners of
the County of Creek, etc., et al.,

Petitioners,

556 vs.

Evelyn Seber, et al.

ON CONSIDERATION of the motion for leave to file brief of Osage County, State of Oklahoma, as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte Ross Cummings Patton,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

C. J. Hendry Company and Frank
Sematovich,

Petitioners,

60 vs.

E. C. Moore, et al., etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Pacific Coast Dairy, Inc.,

Appellant,

275 vs.

Department of Agriculture of the State of California, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Marshall Field & Company,

Petitioner,

453 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Department of Banking, State of Nebraska, as Receiver, etc.,

Petitioner,

466 vs.

Louis H. Pink, Superintendent of Insurance, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Gaetano Ajello,

Petitioner,

517 vs.

Pan American Airways Corporation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Acme-Evans Company,

Petitioner,

681 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Robert Redus, alias Robert Rudus,

Petitioner,

704 vs.

State of Alabama.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Gretta Lafuente,

Petitioner,

566 vs.

County of Los Angeles.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Gretta Lafuente,

Petitioner,

566 vs.

County of Los Angeles.

A third petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

- - - - - - - - - - - -

The United States of America,

Appellant,

626 vs.

Radio Corporation of America, General Electric Company, International General Electric Company, et al.

Appeal from the District Court of the United States for the District of Delaware.

It appearing to the Court that counsel for the United States of America have filed a motion to dismiss the appeal in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the appeal herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Southland Gasoline Company,

Petitioner,

581 vs.

J. W. Bayley, et al.

Submitted by Mr. Claude H. Rosenstein for the petitioner and by Mr. C. D. Atkinson for the respondents.

Wilson W. Richardson,

Petitioner,

725 vs.

The James Gibbons Company.

Argued by Mr. George A. Mahone for the petitioner and by Mr. O. Bowie Duckett, Jr., and Mr. Charles T. LeViness for the respondent.

Frank Tot,

Petitioner,

569 vs.

The United States of America.

Argued by Mr. George R. Sommer for the petitioner and by Mr. Assistant Attorney General Berge for the respondent.

The United States of America,

Petitioner,

636 vs.

Frank Delia.

Argument commenced by Mr. Assistant Attorney General Berge for the petitioner.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow, at 12 o'clock.

TUESDAY, APRIL 6, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that Edward E. O'Neill, Esquire, of Portland, State of Maine, and John J. Mahoney, Esquire, of Rochester, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wall Doxey, It is ordered that Forrest Butler Jackson, Esquire, of Jackson, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Alexander Kaufmann, It is ordered that I. Nathaniel Treblow, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley E. Disney, It is ordered that William H. Burden, Esquire, of Joplin, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Jean R. Meyer, It is ordered that Mildred S. Portner, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Paul M. Segal, It is ordered that Leon W. Kapp, Esquire, of Newark, State of New Jersey, and Herman W. Kapp, Esquire, of Newark, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morton Liftin, It is ordered that Joseph Irwin Nachman, Esquire, of Staunton, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The United States of America,

Petitioner,

636 vs.

Frank Delia.

Argument continued by Mr. Assistant Attorney General Berge for the petitioner; by Mr. Jack N. Tucker and Mr. Morton A. Eden for the respondent; and concluded by Mr. Assistant Attorney General Berge for the petitioner.

Honorable Michael J. Roche,
United States District Judge
for the Northern District of
California, etc., et al.,

Petitioners,

584 vs.

Evaporated Milk Association,
et al.

Argued by Mr. Paul A. Freund for the petitioner and by Mr. Francis R. Kirkham for the respondents.

John W. Noble, doing business
as Noble Transit Company,

Appellant,

511 vs.

The United States of America,
et al.

Argument commenced by Mr. Charles A. Lethert for th

appellant.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at

WEDNESDAY, APRIL 7, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Arthur Clarence Gregory, Esquire, of Canon City, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Parker Jones, It is ordered that James Wilmer Jones, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank M. Ludwick, It is ordered that William Hosmer Peterson, Esquire, of El Centro, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arne C. Wiprud, It is ordered that E. Burdette Ussery, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

George E. Eddy and Samuel Silbiger,

Petitioners,

893 vs.

Charles H. Kelby and Clifford S. Kelsey, Trustees, etc.; and

George E. Eddy and Samuel Silbiger,

Petitioners,

894 vs.

Charles H. Kelby and Clifford S. Kelsey, Trustees, etc.

ON CONSIDERATION of the motion of counsel for the petitioners to extend the time within which to serve the petition for writ of certiorari and record in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including April 28.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

John W. Noble, doing business as Noble Transit Company,

Appellant,

511 vs.

The United States of America, et al.

Argument continued by Mr. Charles A. Lethert for the appellant; by Mr. Allen Crenshaw for appellees, The United States and Interstate Commerce Commission; by Mr. Franklin R. Overmyer for appellees, Regular Common Carrier Conference of the American Trucking Associations, et al.; and concluded by Mr. C. D. Todd, Jr., for appellants.

Bertha A. Owens, Executrix, etc.,

Petitioner,

580 vs.

Union Pacific Railroad Company.

Argued by Mr. Frank C. Hanley for the petitioner and by Mr. L. R. Hamblen for the respondent.

The Interstate Commerce Commission, J. M. Kurn, et al., Trustees, etc., et al.,

Appellants,

628 vs.

Columbus and Greenville Railway Company.

Motion to dismiss or affirm submitted by Mr. Forrest B. Jackson for the appellee.

Argument commenced by Mr. Daniel W. Knowlton for the appellant, Interstate Commerce Commission.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, APRIL 8, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that William B. Mahoney, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that Preston Estep, Esquire, of Monett, State of Missouri, and Louis Shifrin, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alan B. David, It is ordered that N. Meyer Baker, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Roland J. Faricy, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alan Johnstone, It is ordered that H. Reelf Peecksen, Esquire, of Charleston, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The Interstate Commerce Commission, et al.,

Appellants,

628 vs.

Columbus and Greenville Railway Company.

Argument continued by Mr. Daniel W. Knowlton for the appellant, Interstate Commerce Commission; by Mr. Robert C. Stovall and Mr. Forrest B. Jackson for the appellee; and concluded by Mr. John E. McCullough for appellants, J. M. Kurn, et al.

The United States of America,

Appellant,

629 vs.

Philip Lepowitch and Marvin Spector.

Argued by Mr. Archibald Cox for the appellant and by Mr. Henry S. Janon for the appellee.

Federal Communications Commission,

Petitioner,

585 vs.

National Broadcasting Company, Inc. (K O A), et al.

Argument commenced by Mr. Paul A. Freund for the petitioner and continued by Mr. Philip J. Hennessy, Jr., for the respondents.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. G. Osmond Hyde, It is ordered that Jesse L. Cook, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Cou and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester Leslie Davis, It is ordered that Roland A. Linger, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edmund D. Campbell, It is ordered that Frank G. Davidson, Jr., Esquire, of Lynchburg, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Federal Communications Commis-
si on,
Petitioner,
585 vs.
National Broadcasting Company, Inc.
(K O A), et al.

Argument concluded by Mr. Philip J. Hennessey, Jr., for the respondents.

Oklahoma Tax Commission of the State of Oklahoma,

Petitioner,

623 vs.

The United States of America;

Oklahoma Tax Commission of the State of Oklahoma,

Petitioner,

624 vs.

The United States of America; and

Oklahoma Tax Commission of the State of Oklahoma,

Petitioner,

625 vs.

The United States of America.

Argued by Mr. A. L. Herr and Mr. Clifford W. King for the petitioner and by Mr. Warner W. Gardner for the respondent.

Leave granted petitioner to file an additional brief within four days.

Marconi Wireless Telegraph Company of America,

Petitioner,

369 vs.

The United States; and

The United States,

Petitioner,

373 vs.

Marconi Wireless Telegraph Company of America.

Argument commenced by Mr. Stephen H. Philbin for Marconi Wireless Telegraph Company.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

MONDAY, APRIL 12, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Richard K. Bloch, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur G. Klein, It is ordered that Harry A. Gottlieb, Esquire, of New York, State of New York, and Julius S. Wikler, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. McNeill, It is ordered that Theodore Granik, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert McC. Marsh, It is ordered that Theo. McC. Marsh, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen Chandler, It is ordered that George A. Carlson, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Thomas A. Joseph, Esquire, of Zanesville, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Matthews, Jr., It is ordered that Paul C. Matthews, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

488 vs.

Chicago Stock Yards Company.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Illinois Commerce Commission, John D. Biggs, William Parrillo, et al.,

Appellants,

178 vs.

Charles M. Thomson, as Trustee of the Property of Chicago and North Western Railway Company.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Roberts.

The People of the State of New York, ex rel. R. Gordon Whitman,

Petitioner,

72 vs.

Joseph H. Wilson, as Warden of Great Meadow Prison, Comstock, N.Y.

On writ of certiorari to the Supreme Court of the State of New York, Washington County.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Washington County, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court dismissing the writ of habeas corpus in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said Supreme Court for its determination in the light of the case of Lyons vs. Goldstein, 290 N. Y. 19, and for such further or other proceedings as may be deemed advisable.

AND IT IS FURTHER ORDERED that one-half the costs in this Court be paid by the Clerk of this Court and one-half by the State of New York.

Per Mr. Chief Justice Stone.

Separate opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts and Mr. Justice Reed join.

The Chief Justice announced the following order of the Court:

- - - - - - - - - - - -

Clarence Pearson,

Appellant,

844 vs.

The People of the State of California, Clyde Plummer, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Clarence Pearson,

Appellant,

844 vs.

The People of the State of California, Clyde Plummer, et al.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

- - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Ex parte Raymond Barton,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Ex parte Chesteen McConnell,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Ex parte Frank Contardi,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Ex parte Henry Hawk,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application to the District Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Ex parte Dewey Wallace McMurtrey,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Fred Toyosaburo Korematsu,

912 vs.

The United States of America.

ON CONSIDERATION of the motion to bring up the entire record and cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

State of California and Board of State Harbor Commissioners, etc.,

Appellants,

760 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this question.

City of Oakland, a Municipal Corporation, etc.,

Appellant,

778 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this question.

Homer Lester Bartchy, alias Homer Brooks,

Petitioner,

762 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Homer Lester Bartchy, alias Homer Brooks,

Petitioner,

762 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Republic Insurance Company,

Petitioner,

777 vs.

U. R. Butts.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Mary Cabalik,

Petitioner,

790 vs.

John C. Bell, Jr., Successor to William D. Gordon, Secretary of Banking of the Commonwealth of Pennsylvania, Receiver of Pittsburgh-American Bank and Trust Company.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Livingston E. Osborne,
Petitioner,
791 vs.
A. J. Hastings, Sheriff of Berrien County, Michigan.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

J. R. Mason,
Petitioner,
797 vs.
Palo Verde Irrigation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Rufo C. Romero,

Petitioner,

800 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

C. W. Sandlin,

Petitioner,

811 vs.

C. E. Gragg.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Paul W. Sampsell, as Trustee in Bankruptcy for the Estate of New Wells Market, a Copartnership Consisting of Shoo Hoo Ying, et al.,

Petitioners,

814 vs.

Sun H. Tom.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Sibley Syndicate, Harry Allen, Successor Trustee,
Petitioner,
vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

821

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Nicholas Rutigliano, alias Nick Green,
Petitioner,
vs.
The People of the State of New York.

On petition for writ of certiorari to the Court of General Sessions, County of New York, State of New York.

858

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of General Sessions, County of New York, State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Richard J. Hopkins, Judge of the United States District Court for the District of Kansas,

Petitioner,

765 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The New York Trust Company, as the Trustee under the Debenture Agreements between It and the United Light and Power Company, et al.,

Petitioners,

772 vs.

Securities and Exchange Commission and the United Light and Power Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Estate of Robert Lyons Hague, deceased, City Bank Farmers Trust Company and Walter E. Godfrey, Executors, Petitioners,

829 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The Creek Nation,

Petitioner,

711 vs.

The United States.

ON CONSIDERATION of the motion to dispense with the printing of certain portions of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The Creek Nation,

Petitioner,

711 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

County of Allegheny,

Petitioner,

774 vs.

Maryland Casualty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Murphy took no part in the consideration or decision of this application.

Jesse S. Shima,

Petitioner,

802 vs.

Thomas A. Brown.

ON CONSIDERATION of the motion to consider the petition for writ of certiorari in this case on the appendices to the briefs filed in the Court of Appeals,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge and Mr. Justice Murphy took no part in the consideration or decision of this application.

Jesse S. Shima,

Petitioner,

802 vs.

Thomas A. Brown.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia,

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge and Mr. Justice Murphy took no part in the consideration or decision of this application.

Henry G. Wood, Jo V. Morgan, Alexander Tucker, J. H. Lewis,

Petitioners,

805 vs.

J. Millard Tawes, Comptroller of the State of Maryland, et al.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Murphy took no part in the consideration or decision of this application.

W. C. & A. N. Miller Development Co.,

Petitioner,

817 vs.

Emig Properties Corporation.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge and Mr. Justice Murphy took no part in the consideration or decision of this application.

Cecil C. Crebs,

Petitioner,

795 vs.

Milton F. Amrine, Warden of the Kansas State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Cecil C. Crebs,
Petitioner,
795 vs.
Milton F. Amrine, Warden of the Kansas State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Laurie J. Carpenter,
Petitioner,
825 vs.
Erie Railroad Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Laurie J. Carpenter,
Petitioner,
825 vs.
Erie Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Albert B. Lukens,

Petitioner,

737 vs.

The State of Ohio.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Albert B. Lukens,

Petitioner,

737 vs.

The State of Ohio.

On petition for writ of certiorari to the Court of Appeals of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Ex parte Clarence M. Holmes,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Robert L. Peyton,

Petitioner,

903 October Term, 1941 vs.

Railway Express Agency, Inc., et al.

A fourth petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge and Mr. Justice Murphy took no part in the consideration or decision of this application.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

13 vs.

Israel A. Abrams, et al.

ON CONSIDERATION of the motion to supplement the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge and Mr. Justice Murphy took no part in the consideration or decision of this motion.

Group of Institutional Investors and Mutual Savings Bank Group,

Petitioners,

13 vs.

Israel A. Abrams, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge and Mr. Justice Murphy took no part in the consideration or decision of this application.

Band-It Company and Dental Specialty Company,

Petitioners,

692 vs.

Michael J. McAneny, Jr.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

- - - - - - - - - - - -

The Court will take a recess upon the conclusion of the argument in case No. 696 until Monday, May 3, next.

- - - - - - - - - - - -

Marconi Wireless Telegraph Company of America,

Petitioner,

369 vs.

The United States; and

The United States,

Petitioner,

373 vs.

Marconi Wireless Telegraph Company of America.

Argument continued by Mr. Assistant Attorney General Shea for the United States and concluded by Mr. Stephen H. Philbin for Marconi Wireless Telegraph Company.

Direct Sales Company,

Petitioner,

593 vs.

The United States of America.

Argued by Mr. William B. Mahoney for the petitioner and by Mr. Valentine Brookes for the respondent.

Central Hanover Bank and Trust
Company, a banking corporation
of the State of New York, et al.,

Appellants,

659 vs.

William D. Kelly, State Tax
Commissioner of the State of New
Jersey.

Argument commenced by Mr. Robert McC. Marsh for the appellants.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, APRIL 13, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery, It is ordered that Paul W. McQuillen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Aubrey Bogley, It is ordered that John Harvard Thain, Esquire, of Wilkes-Barre, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Horace H. Powers, It is ordered that Harold C. Sylvester, Esquire, of Saint Albans, State of Vermont, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. McNamara, It is ordered that Robert William Larrow, Esquire, of Burlington, State of Vermont, and T. Tracy Lawson, Esquire, of Montpelier, State of Vermont, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester P. Schoene, It is ordered that Alexander Feller, Esquire, of New Brunswick, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph A. Cusick, It is ordered that Richard B. Posey, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norris Darrell, It is ordered that Harvey A. Fischer, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Aaron Harry Crowell, It is ordered that Myer Pumps, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Central Hanover Bank and Trust Company, a banking corporation of the State of New York, et al.,

Appellants,

659 vs.

William D. Kelly, State Tax Commissioner of the State of New Jersey.

Argument continued by Mr. Robert McC. Marsh for the appellants; by Mr. William A. Moore for the respondent; and concluded by Mr. Robert McC. Marsh for the appellants.

The Detroit Edison Company,

Petitioner,

675 vs.

Commissioner of Internal Revenue.

Argued by Mr. Norris Darrell for the petitioner and by Mr. Arnold Raum for the respondent.

Florence J. Bailey, as Administratrix of E. Bailey,

Petitioner,

640 vs.

Central Vermont Railway, Inc.

Argued by Mr. Joseph A. McNamara for the petitioner and by Mr. Horace H. Powers for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, APRIL 14, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices,
William O. Douglas,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that William Hamlet Blades, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that Donald E. Heisler, Esquire, of The Dalles, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that Chesley Matthew Walter, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wall Doxey, It is ordered that George H. Ethridge, Esquire, of Jackson, State of Mississippi, and Richard Olney Arrington, Esquire, of Hazlehurst, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Beatrice A. Clephane, It is ordered that Coula Psaras, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. E. E. Danly, It is ordered that Carl T. Curtis, Esquire, of Minden, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Osmond K. Fraenkel, It is ordered that Irving Payson Zinbarg, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. C. Pierce, It is ordered that James H. Millican, Jr., Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry G. Van Veen, It is ordered that Stanley M. Dorman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George S. Ward, It is ordered that Frank D. Mayer, Esquire, of Chicago, State of Illinois; Lee Allen Freeman, Esquire, of Chicago, State of Illinois, and Donald Martin Graham, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vernon L. Wilkinson, It is ordered that June Fowles, of Olympia, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

- - - - - - - - - - - -

Max Stephan,

Petitioner,

792 vs.

The United States of America.

ON CONSIDERATION of the motion for stay of execution of the sentence of death in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted; and that the execution of the sentence of death in this case be, and the same is hereby, stayed until further order of this Court.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Whitney Bowles,

Petitioner,

589 vs.

The United States of America.

Argued by Mr. Osmond K. Fraenkel for the petitioner and by Mr. Assistant Attorney General Berge for the respondent.

G. E. Burford, et al.,

Petitioners,

495 vs.

Sun Oil Company, et al.; and

Sun Oil Company, et al.,

Petitioners,

496 vs.

G. E. Burford, et al.

Reargument commenced by Mr. James P. Hart for Burford, et al.; and continued by Mr. Ed Roy Simmons for Burford, et al.; and by Mr. J. A. Rauhut for Sun Oil Company, et al.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, APRIL 15, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Robert H. Jackson.
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that Nicholas J. Chase, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Ray C. Westgate, Esquire, of Fall River, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Patrick A. McCarran, It is ordered that Frank McNamee, Jr., Esquire, of Las Vegas, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis Loss, It is ordered that Milton V. Freeman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence O. McKay, It is ordered that I. Joseph Farley, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

G. E. Burford, et al.,

Petitioners,

495 vs.

Sun Oil Company, et al.; and

Sun Oil Company, et al.,

Petitioners,

496 vs.

G. E. Burford, et al.

Reargument concluded by Mr. J. A. Rauhut for the Sun Oil Co., et al.

O. L. Hastings, et al.,

Petitioners,

528 vs.

Selby Oil & Gas Company, et al.

Reargued by Mr. James D. Smullen for the petitioner, The Railroad Commission of Texas, and by Mr. W. Edward Lee for petitioners, O. L. Hastings, et al., and case submitted by Mr. Dan Moody for the respondents.

Rosario St. Pierre,

Petitioner,

687 vs.

The United States of America.

Argument commenced by Mr. Edward V. Broderick for the petitioner. The Court declined to hear further argument.

R. E. Taylor,

Appellant,

826 vs.

State of Mississippi;

Betty Benoit,

Appellant,

827 vs.

State of Mississippi; and

Clem Cummings,

Appellant,

828 vs.

State of Mississippi.

Argument commenced by Mr. Hayden C. Covington for the appellants and continued by Mr. George H. Ethridge for the appellee.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, APRIL 16, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
William O. Douglas,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that Harold B. Finn, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard A. Mahar, It is ordered that Geo. C. Seward, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph H. Batt, It is ordered that James E. Holloman, Esquire, of Clinton, State of South Carolina, and James Edgar Louis Artis, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Brearley, It is ordered that George W. Walker, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that Howard P. R. Mulligan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Gilligan, It is ordered that James Thomas Gallahorn, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Gwin, It is ordered that Sol S. Perlow, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William P. Wendell, It is ordered that John Allen Weil, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bynum E. Hinton, It is ordered that Chas. P. Rogers, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Roberts, It is ordered that Irene Kennedy, of Washington, District of Columbia; Philip S. Jessup, Esquire, of Washington, District of Columbia, and James E. Wilson, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. O. Stanley, It is ordered that Zeb. A. Stewart, Esquire, of Corbin, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

R. E. Taylor,

Appellant,

826 vs.

State of Mississippi;

Betty Benoit,

Appellant,

827 vs.

State of Mississippi; and

Clem Cummings,

Appellant,

828 vs.

State of Mississippi.

Argument continued by Mr. George H. Ethridge for the appellee and concluded by Mr. Hayden C. Covington for the appellants.

Nathan Mayo and Roy Hutchinson,

Appellants,

726 vs.

The United States of America.

Argued by Mr. William C. Pierce and Mr. James H. Millican, Jr., for the appellants and by Mr. Assistant Attorney General Shea for the appellee.

Moline Properties, Inc.,

Petitioner,

660 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Nelson Trottman for the petitioner and continued by Mr. J. Louis Monarch for the respondent.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

MONDAY, APRIL 19, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that William L. Caraway, Esquire, of Washington, District of Columbia, and James Edward Boyle, Esquire, of Sycamore, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wallace Haynes Walker, It is ordered that Garald K. Richardson, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Homer Ferguson, It is ordered that John Richard Starrs, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Royal Thomas McKenna, It is ordered that Benjamin G. Cox, Esquire, of Terre Haute, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham M. Lowenthal, It is ordered that Herman Mendes, Esquire, of New York, State of New York, and Samuel M. Ostroff, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas P. Mount, It is ordered that William T. Beeks, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Rigby, It is ordered that Edward J. Leon, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that Leroy R. Goodrich, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that William Leavenworth Colby, Esquire, of Berkeley, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, It is ordered that Walter B. Miller, Esquire, of Spartanburg, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. M. Briggs, It is ordered that Millard Kirk Neptune, Esquire, of Bartlesville, State of Oklahoma, and John F. Jones, Esquire, of Topeka, State of Kansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Hector G. Spaulding, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. E. Danly, It is ordered that Hobart Lee Blackledge, Esquire, of Kearney, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Morris Fay, It is ordered that James Lenahan Brown, Esquire, of Wilkes-Barre State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman L. Dodson, It is ordered that Richard R. Atkinson, Esquire, of Washington, District of Columbia, and Horace O. Pollard, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Cotton, It is ordered that I. Duke Avnet, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Pedro Aguilar, Petitioner, vs. Standard Oil Company of New Jersey. 454

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circu and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Rutledge.

Mr. Justice Roberts did not participate in the consideration or decision of this case.

Dissenting: The Chief Justice.

Waterman Steamship Corporation, Petitioner, vs. David E. Jones. 582

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Rutledge.

Mr. Justice Roberts did not participate in the consideration or decision of this case.

The Chief Justice concurs in the result.

Board of County Commissioners of the County of Creek, State of Oklahoma, a Municipal Corporation, et al.,

Petitioners,

556 vs.

Evelyn Seber, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs in the matters appealed from; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Oklahoma.

Per Mr. Justice Murphy.

Mr. Justice Reed took no part in the consideration or decision of this case.

Opinion by Mr. Justice Rutledge, in which Mr. Justice Roberts joins, concurring in the result and in the opinion of the Court except as indicated in his concurrence.

The United States of America,

Appellant,

629 vs.

Philip Lepowitch and Marvin Spector.

Appeal from the District Court of the United States for the Eastern District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Rutledge concurs in the result.
Dissenting: Mr. Justice Roberts.

The Chief Justice announced the following orders of the Court:

Bayuk Cigars, Inc., Appellant,

vs.

Commonwealth of Pennsylvania.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

720

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to affirm the judgment below be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Jewel Incandescent Lamp Co., Inc., Appellant,

vs.

General Electric Company, Westinghouse Electric and Manufacturing Company and The United States of America.

Appeal from the District Court of the United States for the District of New Jersey.

876

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Ex parte Emmet H. Bozel,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Elmer Davis,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles Erickson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank Roberson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Thomas B. Mulrennan,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application to the District Court.

Per Mr. Chief Justice Stone.

Henry Daniels, Jr.,

Petitioner,

—— vs.

State of Alabama.

ON CONSIDERATION of the application for a stay of execution in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the execution of the sentence of death imposed on the petitioner herein be, and the same is hereby, stayed until further order of this Court.

Per Mr. Chief Justice Stone.

Curtis Robinson,

Petitioner,

—— vs.

State of Alabama.

ON CONSIDERATION of the application for a stay of execution in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the execution of the sentence of death imposed on the petitioner herein be, and the same is hereby, stayed until further order of this Court.

Per Mr. Chief Justice Stone.

The Interstate Commerce Commission, et al.,

Appellants,

628 vs.

Columbus and Greenville Railway Co.

It is ordered that this case be, and it is hereby, restored to the docket for reargument. On the reargument counsel are requested to direct their attention particularly to the following questions:

(1) Is freight tariff No. 81 in violation of any provision of the Interstate Commerce Act, as amended?

(2) Assuming that this question is answered in the affirmative, would the cancellation of this tariff operate unfairly and unreasonably in view of the outstanding cut-back tariffs on freight originating on carriers with which the Columbus and Greenville Railway competes?

(3) What considerations of law, procedure, or policy may be urged against the Commission's following the procedure, prior to the cancellation of the tariff, of bringing other carriers into the proceeding pending before it, or into an independent proceeding, and in such proceeding making an appropriate adjustment of rates as between respondent and other carriers?

(4) Have the courts power to require the Commission to take such procedure?

Per Mr. Chief Justice Stone.

McLean Trucking Company, Inc.,
et al.,

Appellants,

879 vs.

The United States of America,
et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Clem Lockerty, et al.,

Appellants,

934 vs.

Charles M. Phillips, United
States Attorney, etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted, and the case is advanced and assigned for argument on Monday, May 3, next.

Per Mr. Chief Justice Stone.

Clem Lockerty, et al.,

Appellants,

934 vs.

Charles M. Phillips, United
States Attorney, etc.

ON CONSIDERATION of the motion for an order restraining and enjoining the appellee, Charles M. Phillips, United States Attorney for the District of New Jersey, from proceeding with the indictments returned against appellants herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Brotherhood of Railroad Trainmen, Enterprise Lodge No. 27, et al.,

Petitioners,

848 vs.

Toledo, Peoria & Western Railroad.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Securities and Exchange Commission,

Petitioner,

815 vs.

C. M. Joiner Leasing Corporation and C. M. Joiner.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

James Lanier Bell,

Petitioner,

749 vs.

Preferred Life Assurance Society of Montgomery, Alabama, et al.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Lanier Bell, Petitioner,

749 vs.

Preferred Life Assurance Society of Montgomery, Alabama, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Sioux Tribe of Indians, Petitioner,

769 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dwight D. Clarke, Petitioner,

776 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Nicholas J. Curtis, Petitioner, vs. Utah Fuel Company, etc., et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

779

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Scott Realty Company, Petitioner, vs. The La Salle & Koch Company. — On petition for writ of certiorari to the Supreme Court of the State of Ohio.

803

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

G. Bedell Moore, Petitioner, vs. Maverick County Water Control & Improvement District No. 1. — On petition for writ of certiorari to the Court of Civil Appeals, 4th Supreme Judicial District, of the State of Texas.

804

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals, 4th Supreme Judicial District, of the State of Texas and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cort A. Rosenhan, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

806

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. H. Anderson, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

809

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. and Mrs. J. H. Anderson, Petitioners, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

810

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Tom Johnson, et al.,
Petitioners,
812 vs.
Dallas Downtown Development Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Anna S. A. Graf and August Graf, Individually and said August Graf, as Executor of the Estate of George C. Shipman, Deceased, et al.,
Petitioners,
818 vs.
City of Newark.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Franklinville Realty Company,
Petitioner,
819 vs.
Arnold Construction Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

In the Matter of James Austin Ellison,

Petitioner.

832

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

United Shipyards, Inc.,

Petitioner,

835 vs.

Jane M. Hoey, as Executrix of the Estate of James J. Hoey, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

R. A. Blount, Hearst B. Blount, Lonnie Flinn and Eunice Simpson,

Petitioners,

838 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Bank of America National Trust and Savings Association,

Petitioner,

758 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Bank of America National Trust and Savings Association,

Petitioner,

759 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William Humbert Tornello,

Petitioner,

163 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Humbert Tornello,
Petitioner,
163 vs.
Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied on the ground that the cause is moot, it appearing that petitioner has been pardoned by the President and that he is no longer in respondent's custody.

Per Mr. Chief Justice Stone.

Irene Brady, Administratrix of the Estate of Earle A. Brady, Deceased,
Petitioner,
830 vs.
Southern Railway Company,

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied on the ground that it does not appear from the record or from the papers submitted that the judgment is final.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of opinion that the judgment is final.

The Philadelphia Inquirer Company,
Petitioner,
799 vs.
Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition

be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Chicago and North Western Railway Company,
Petitioner,
34 vs.
Mutual Savings Bank Group Committee, et al.;

Chicago and North Western Railway Company,
Petitioner,
35 vs.
Mutual Savings Bank Group Committee, et al.;

Chicago and North Western Railway Company,
Petitioner,
36 vs.
Mutual Savings Bank Group Committee, et al.;

Louis Susman, et al., Convertible Bond Owners,
Petitioners,
37 vs.
Mutual Savings Bank Group Committee, etc., et al.; and

Louis Susman, et al., Convertible Bond Owners,
Petitioners,
38 vs.
Mutual Savings Bank Group Committee, etc., et al.

ON CONSIDERATION of the motions for leave to supplement the record in the above entitled cases,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of these applications.

Chicago and North Western Railway Company,

Petitioner,

34 vs.

Mutual Savings Bank Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Chicago and North Western Railway Company,

Petitioner,

35 vs.

Mutual Savings Bank Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Chicago and North Western Railway Company,

Petitioner,

36 vs.

Mutual Savings Bank Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Louis Susman, et al., Convertible Bond Owners,
Petitioners,
vs.
Mutual Savings Bank Group Committee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

37

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Louis Susman, et al., Convertible Bond Owners,
Petitioners,
vs.
Mutual Savings Bank Group Committee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

38

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

City Bank Farmers Trust Company, as Trustee, etc.,

Petitioner,

56 vs.

Life Insurance Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

City Bank Farmers Trust Company, as Trustee, etc.,

Petitioner,

57 vs.

Life Insurance Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Irving Trust Company, as Successor Trustee under the First Mortgage of Milwaukee and State Line Railway Company,

Petitioner,

62 vs.

Mutual Savings Bank Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Irving Trust Company, as Successor Trustee under the First Mortgage of Milwaukee and State Line Railway Company,

Petitioner,

63 vs.

Mutual Savings Bank Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Irving Trust Company, as Successor Trustee under the First Mortgage of Milwaukee and State Line Railway Company,

Petitioner,

64 vs.

Mutual Savings Bank Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Protective Committee for Holders of Common Stock of Chicago and North Western Railway Company,

Petitioner,

68 vs.

Mutual Savings Bank Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Protective Committee for Holders of Common Stock of Chicago and North Western Railway Company,

Petitioner,

69 vs.

Mutual Savings Bank Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Protective Committee for Holders of Preferred Stock of Chicago and North Western Railway Company, et al.,

Petitioners,

83 vs.

Mutual Savings Bank Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Protective Committee for Holders of Preferred Stock of Chicago and North Western Railway Company, et al.,

Petitioners,

84 vs.

Mutual Savings Bank Group Committee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

The Akron, Canton & Youngstown Railway Company, Debtor,

Petitioner,

354 vs.

George E. Hagenbuch and H. B. Stewart, Jr., Trustees, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Wm. H. Chamberlain, Holder of Record of all the Common Stock of The Akron, Canton & Youngstown Railway Company, etc., et al.,

Petitioners,

355 vs.

George E. Hagenbuch and H. B. Stewart, Jr., Trustees, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edward R. Fitzgerald,

Petitioner,

757 vs.

The State of Kansas, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edward R. Fitzgerald,

Petitioner,

757 vs.

The State of Kansas, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur Corkum,

Petitioner,

801 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Arthur Corkum,

Petitioner,

801 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Henry Trott,

Petitioner,

822 vs.

McDonough Motor Express Company, Inc., et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Henry Trott,

Petitioner,

822 vs.

McDonough Motor Express Company, Inc., et al.

On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Erickson,

Petitioner,

915 vs.

Nathan Mayo, as State Prison Custodian.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Erickson,

Petitioner,

915 vs.

Nathan Mayo, as State Prison Custodian.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frederick H. Ecker, John W. Stedman, et al., etc.,

7 Petitioners,

vs.

Western Pacific Railroad Corporation, et al;

Crocker First National Bank of San Francisco, et al., etc.,

Petitioners,

8 vs.

Western Pacific Railroad Corporation, et al.;

The Western Pacific Railroad Company,

Petitioner,

20 vs.

Frederick H. Ecker, et al;

Reconstruction Finance Corporation,

Petitioner,

33 vs.

Western Pacific Railroad Corporation, et al.; and

Irving Trust Company, as Substituted Trustee, etc.,

Petitioner,

61 vs.

Crocker First National Bank of San Francisco, et al., etc.

A petition for rehearing having been filed in these case

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision this application.

Orman W. Ewing,

Petitioner,

661 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision this application.

Moline Properties, Inc.,

Petitioner,

660 vs,

Commissioner of Internal Revenue.

Argument continued by Mr. J. Louis Monarch for the respondent and concluded by Mr. Nelson Trottman for the petitioner.

Interstate Transit Lines,

Petitioner,

552 vs.

Commissioner of Internal Revenue.

Argued by Mr. Nelson Trottman for the petitioner and by Mr. J. Louis Monarch for the respondent.

A. W. Altvater and The Western Supplies Company,

Petitioners,

696 vs.

Benjamin W. Freeman, et al.

Argued by Mr. Edmund C. Rogers and Mr. Lawrence C. Kingsland for the petitioners and by Mr. Marston Allen for the respondents.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, May 3, next, at 12 o'clock.

MONDAY, MAY 3, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that John J. Ruddy, Jr., Esquire, of Kansas City, State of Missouri; Leland E. Zeman, Esquire, of Los Angeles, State of California, and Weir Savage Gaillard, Esquire, of Dahlonega, State of Georgia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George C. Sadowski, It is ordered that Walter N. Stockfish, Esquire, of Hamtramck, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard F. Harless, It is ordered that Arthur Marshall Davis, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Geo. B. Sjoselius, It is ordered that L. A. Wilson, Esquire, of Mahnomen, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richmond B. Keech, It is ordered that Edward A. Beard, Esquire, of Washington, District of Columbia, and Robert J. Whissel, Esquire, of Buffalo, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Stone, It is ordered that L. Gleason Gianniny, Esquire, of Richmond, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Logan Morris, It is ordered that Frank B. Ingersoll, Esquire, of Redwood City, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert A. Grorud, It is ordered that Napoleon Bruce Day, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Cotter, It is ordered that Karl B. Rodi, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. McNeill, It is ordered that William Thomas Wilson, Esquire, of Winston-Salem, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur P. Drury, It is ordered that Gerhard D. Bleichen, Esquire, of Boston, State of Massachusetts, and Abram T. Collier, Esquire, of Boston, State of Massachusetts, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that A. Warren Glickman, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard W. Galiher, It is ordered that Kerns Wright, Esquire, of Van Wert, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Sirica, It is ordered that Alexis C. Coudert, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nathaniel L. Nathanson, It is ordered that Saul N. Rittenberg, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. I. Morton Meyers, It is ordered that Henry S. Sellin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph P. McNamara, It is ordered that Byron B. Emswiller, Esquire, of Middletown, State of Indiana, and David I. Day, Jr., Esquire, of Rockport, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that C. Rudolf Peterson, Esquire, of Washington, District of Columbia; John L. Burling, Esquire, of New York, State of New York; Leo Gitlin, Esquire, of New York, State of New York, and Armand B. Du Bois, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis V. Robinson, It is ordered that Herbert E. Olson, Esquire, of Bemidji, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The Detroit Edison Company,
Petitioner,
675 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Jackson.

The Chief Justice did not participate in the consideration or decision of this case.

John W. Noble, Doing Business as Noble Transit Company,
Appellant,
511 vs.
The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the District of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Douglas.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Central Hanover Bank and Trust Company, a Banking Corporation of the State of New York, George Chew Atkins and John Norton Atkins, as Executors, etc., et al.,

Appellants,

659 vs.

William D. Kelly, State Tax Commissioner of New Jersey.

Appeal from the Court of Errors and Appeals of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Errors and Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Douglas.

Rosco Jones,

Petitioner,

280 October Term, 1941 vs.

City of Opelika.

On writ of certiorari to the Supreme Court of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was reargued by counsel upon the granting of a petition for rehearing.

ON CONSIDERATION WHEREOF, It is ordered that the judgment of this Court heretofore entered in this cause be, and the same is hereby, vacated.

IT IS FURTHER ORDERED and adjudged by this Court that the judgment of the Supreme Court of the State of Alabama in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for proceedings not inconsistent with the opinion of this Court in the cases of Murdock et al. vs. Pennsylvania, Nos. 480-487, decided May 3, 1943.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Lois Bowden and Zada Sanders, Petitioners, vs. City of Fort Smith, Arkansas.

On writ of certiorari to the Supreme Court of the State of Arkansas.

314 Oct. Term 1941

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was reargued by counsel upon the granting of a petition for rehearing.

ON CONSIDERATION WHEREOF, It is ordered that the judgment of this Court heretofore entered in this cause be, and the same is hereby, vacated.

IT IS FURTHER ORDERED and adjudged by this Court that the judgment of the Supreme Court of the State of Arkansas in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for proceedings not inconsistent with the opinion of this Court in the cases of Murdock et al. vs. Pennsylvania, Nos. 480-487, decided May 3, 1943.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Charles Jobin, Appellant, vs. The State of Arizona.

Appeal from the Supreme Court of the State of Arizona.

966 Oct. Term, 1941

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arizona, and was reargued by counsel upon the granting of a petition for rehearing.

ON CONSIDERATION WHEREOF, It is ordered that the judgment of this Court heretofore entered in this cause be, and the same is hereby, vacated.

IT IS FURTHER ORDERED and adjudged by this Court that the judgment of the Supreme Court of the State of Arizona in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for proceedings not inconsistent with the opinion of this Court in the cases of Murdock et al. vs. Pennsylvania, Nos. 480-487, decided May 3, 1943.

Per Mr. Justice Douglas.

Robert Murdock, Jr., Petitioner,

480 vs.

Commonwealth of Pennsylvania (City of Jeannette).

On writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Anna Perisich, Petitioner,

481 vs.

Commonwealth of Pennsylvania (City of Jeannette).

On writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Willard L. Mowder,

Petitioner,

482 vs.

Commonwealth of Pennsylvania
(City of Jeannette).

On writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Charles Seders,

Petitioner,

483 vs.

Commonwealth of Pennsylvania
(City of Jeannette).

On writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Robert Lamborn, Petitioner, vs. Commonwealth of Pennsylvania (City of Jeannette).

484

On writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Anthony Maltezos, Petitioner, vs. Commonwealth of Pennsylvania (City of Jeannette).

485

On writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Anastasia Tzanes,

Petitioner,

486 vs.

Commonwealth of Pennsylvania
(City of Jeannette).

On writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Ellaine Tzanes,

Petitioner,

487 vs.

Commonwealth of Pennsylvania
(City of Jeannette).

On writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Superior Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson.

Southland Gasoline Company, Petitioner, vs. J. W. Bayley, Henry V. Bloom, G. C. Kendall, et al.

581

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Arkansas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Wilson W. Richardson, Petitioner, vs. The James Gibbons Company.

725

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maryland.

Per Mr. Justice Reed.

Mr. Justice Murphy took no part in the consideration or decision of this case.

National Labor Relations Board, Petitioner, vs. Southern Bell Telephone and Telegraph Company.

460

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with instructions to enforce the order of the Labor Board.

Per Mr. Justice Reed.

Mr. Justice Roberts took no part in the consideration or decision of this case.

National Labor Relations Board, Petitioner, vs. Southern Association of Bell Telephone Employees.

461

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with instructions to enforce the order of the Labor Board.

Per Mr. Justice Reed.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Jersey Central Power & Light Company,

Petitioner,

299 vs.

Federal Power Commission.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice Frankfurter concur.

New Jersey Power & Light Company,

Petitioner,

329 vs.

Federal Power Commission.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice Frankfurter concur.

Thelma Martin,

Appellant,

238 vs.

City of Struthers, Ohio.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Murphy in which Mr. Justice Douglas and Mr. Justice Rutledge join.
Dissenting opinion by Mr. Justice Reed in which Mr. Justice Roberts and Mr. Justice Jackson join.
Separate opinion by Mr. Justice Frankfurter.
Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Frankfurter joins in the views expressed therein.

Robert L. Douglas, Albert R. Gundecker, Earl Kalkbrenner, et al.,

Petitioners,

450 vs.

City of Jeannette (Pennsylvania), a Municipal Corporation, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania.

Per Mr. Chief Justice Stone.

Opinion by Mr. Justice Jackson concurring in the result in which Mr. Justice Frankfurter joins.

L. T. Barringer and Company,
Appellant,
520 vs.
The United States of America, Interstate Commerce Commission, Atchison, Topeka and Santa Fe Railway Company, et al.

Appeal from the District Court of the United States for the Western District of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Reed join.

Honorable Michael J. Roche, United States District Judge for the Northern District of California, Southern Division, et al.,
Petitioners,
584 vs.
Evaporated Milk Association, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Whitney Bowles,
Petitioner,
589 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Reed joins.

Fred Steffler,
Petitioner,
14, Original vs.
The United States.

On motion for leave to file and petition for writ of certiorari under Section 262 of the Judicial Code.

ON CONSIDERATION of the motion for leave to file and petition for writ of certiorari and of the motion for leave to proceed in forma pauperis in this cause,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted; and that the petition for writ of certiorari be, and the same is hereby, granted.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Rosario St. Pierre,
Petitioner,
687 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari, in this cause, be, and the same is hereby, dismissed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice announced the following order of the Court:

- - - - - - - - - - - -

Central Power and Light Company, West Texas Utilities Company and Southwestern Gas and Electric Company,
Appellants,
885 vs.
The State of Texas.

Appeal from the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

In the Matter of John G. Ross.

——.

John G. Ross, of Boston, Massachusetts, having resigned as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Stone.

Ex parte Harold McGinniss,

Petitioner.

—, Original.

ON CONSIDERATION of the application submitted herein by Harold McGinniss,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy D. Wilson,

Petitioner,

—, Original vs.

Ralph S. Hinman.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank Contardi,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Stanley Peplowski,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Albert Smith,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles E. Westbrook,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Mark Reynolds and
Frank Reynolds,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Interstate Commerce Commission,
et al.,

Appellants,

926 vs.

Hoboken Manufacturers' Railroad
Company.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America,
ex rel. Murray Brensilber,
Emanuel Thebner, et al., etc.,

Petitioners,

761 vs.

Bausch & Lomb Optical Company,
Carl Zeiss, Inc., M. H. Eisenhart,
et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Magnolia Petroleum Company, et al., Petitioners,

863 vs.

Sullivan H. Hunt.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Appeals of the State of Louisiana, First Circuit, is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Merchants National Bank of Boston, Executor, Petitioner,

864 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Irene Brady, Administratrix of the Estate of Earle A. Brady, Deceased, Petitioner,

830 vs.

Southern Railway Company,

On petition for writ of certiorari to Supreme Court of the State of North Carolina.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition for rehearing be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Metropolitan-Columbia Stockholders, Inc. and Wards Island Realty Company,

Petitioners,

824 vs.

The City of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Hartford Electric Light Company,

Petitioner,

831 vs.

Federal Power Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Hazel E. Cranston,

Petitioner,

833 vs.

Ransford C. Thompson, Frank B. Thompson and Martha A. Brown.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Hazel E. Cranston,

Petitioner,

834 vs.

Ransford C. Thompson, et al., as Executor of the Last Will and Testament of Sarah A. Thompson, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Walter S. Halliwell,

Petitioner,

836 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

E. A. Parkford, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

842

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mildred Mayo Deal, Petitioner, vs. Venda C. Abramson. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

850

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Musicraft Records, Inc., Petitioner, vs. Jack Shilkret. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

851

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Nellie C. Bostwick, Jacksonville Heights Improvement Company, et al,

Petitioners,

853 vs.

Baldwin Drainage District, C. T. Boyd and The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circui and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Andrew Bergoty,

Petitioner,

856 vs.

Peter Gambera.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circui and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The France Stone Company,

Petitioner,

857 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circu and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petitio be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William E. Andrews, Petitioner, vs. Hotel Sherman, Inc., a Delaware Corporation, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

867

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Wert T. Reed and P. F. Dollert, Petitioners, vs. Houston Oil Company of Texas, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

877

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Maryland Casualty Company, Petitioner, vs. Dixie Pine Products Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

899

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

American Manufacturing Company of Texas, W. J. Gourley and W. H. Thompson,

Petitioners,

852 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lewis W. Gilbert,

Petitioner,

861 vs.

General Motors Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Thomas H. Swope and Virginia McAlpine,

Petitioners,

874 vs.

Kansas City, Kansas, Roy Wheat, Frank Brown, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Clara Zimmerman,
Petitioner,
vs.
E. E. Walker, Captain United States Army, Assistant Provost Marshal for the Judicial District of Hawaii.

823

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied on the ground that the cause is moot, it appearing that Hans Zimmerman, on whose behalf the petition is filed, has been released from the respondent's custody.

Per Mr. Chief Justice Stone.

Sperry Products, Inc.,
Petitioner,
vs.
Association of American Railroads, Boston & Maine Railroad, The Delaware & Hudson Railroad Corporation, et al.

859

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

Association of American Railroads and The Long Island Rail Road Company,
Petitioners,
vs.
Sperry Products, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

860

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

Muskogee County, Oklahoma, et al.,
Petitioners,
vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

900

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

The Prudential Insurance Company of America,
Petitioner,
vs.
Jane Saxe.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

878

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of

Robert Martin,

Petitioner,

837 vs.

Martin F. Amrine, Warden, Kansas State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert Martin,

Petitioner,

837 vs.

Martin F. Amrine, Warden, Kansas State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles H. Cochran,

Petitioner,

841 vs.

The State of Kansas, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles H. Cochran,
Petitioner,
841 vs.
The State of Kansas, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dave Canty,
Petitioner,
854 vs.
The State of Alabama.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and t same is hereby, granted.

Per Mr. Chief Justice Stone.

Dave Canty,
Petitioner,
854 vs.
The State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ralph W. Fleeman,

Petitioner,

872 vs.

State of Kansas, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ralph W. Fleeman,

Petitioner,

872 vs.

State of Kansas, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Winston Posey,

Petitioner,

875 vs.

Alfred F. Dowd, Warden of Indiana State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Winston Posey,
Petitioner,
875 vs.
Alfred F. Dowd, Warden of Indiana State Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

James R. Clem,
Petitioner,
780 vs.
State of Maryland.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James R. Clem,
Petitioner,
780 vs.
State of Maryland.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,
ex rel., Wilbur Jackson, alias
Will Jackson, et al.,

Petitioners,

847 vs.

Patrick J. Brady, Warden of the
Maryland Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America,
ex rel., Wilbur Jackson, alias
Will Jackson, et al.,

Petitioners,

847 vs.

Patrick J. Brady, Warden of the
Maryland Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lloyd Frankel,

Petitioner,

855 vs.

Bethlehem-Fairfield Shipyard, Inc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Lloyd Frankel,
Petitioner,
855 vs.
Bethlehem-Fairfield Shipyard, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Dora Brady, et al.,
Petitioners,
868 vs.
Annie Beams, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Dora Brady, et al.,
Petitioners,
868 vs.
Annie Beams, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mark Reynolds and Frank Reynolds,

Petitioners,

950 vs.

Nathan Mayo, State Prison Custodian.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mark Reynolds and Frank Reynolds,

Petitioners,

950 vs.

Nathan Mayo, State Prison Custodian.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James R. Deering,

Petitioner,

942 vs.

National Mortgage Corporation, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James R. Deering,

Petitioner,

942 vs.

National Mortgage Corporation, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert L. Peyton,

Petitioner,

903 October Term, 1941 vs.

Railway Express Agency, Inc., et al.

A fifth petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Gaetano Ajello,

Petitioner,

517 vs.

Pan American Airways Corporation, et al.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Gretta Lafuente,

Petitioner,

566 vs.

County of Los Angeles.

ON CONSIDERATION of the motion for leave to file a fourth petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this motion.

Gretta Lafuente,

Petitioner,

566 vs.

County of Los Angeles.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Joseph De Zon,

Petitioner,

436 vs.

American President Lines, Ltd.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Vivian Wycliff Buie,

Petitioner,

459 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Ada McSparran,

Petitioner,

597 vs.

City of Portland.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward D. Markham,

Petitioner,

746 vs.

People of the State of Illinois, ex rel. Earle G. H. Cromer, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph E. Jones,

Petitioner,

764 vs.

Hon. Francis Biddle, Attorney General, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marco Reginelli,

Petitioner,

767 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. R. Mason,

Petitioner,

797 vs.

Palo Verde Irrigation District.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur Corkum,

Petitioner,

801 vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Labor Relations Board,
Petitioner,
557 vs.
Goodyear Tire & Rubber Company of Alabama, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

It appearing to the Court that counsel for the petitioner have filed a motion to dismiss the writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the writ of certiorari in this case, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Sylvania Industrial Corporation,
Petitioner,
886 vs.
The Visking Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

It appearing to the Court that counsel for the petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Missouri-Kansas Pipe Line Company,
Appellant,
963 vs.
The United States of America, Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, et al.

Appeal from the District Court of the United States for the District of Delaware.

IT APPEARING to the Court that counsel for the appellant has filed a motion to dismiss the appeal in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the appeal herein be, and the same is hereby, dismissed, and the mandate is ordered to issue forthwith.

Per Mr. Chief Justice Stone.

Ford Motor Company,

Petitioner,

945 vs.

Gordon Form Lathe Company; and

Ford Motor Company,

Petitioner,

946 vs.

Gordon Form Lathe Company.

ON CONSIDERATION of the motion to extend the time within which to file brief opposing petition for writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including May 26 next, per stipulation of counsel.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

Clem Lockerty, Anthony Caruso, et al.,

Appellants,

934 vs.

Charles M. Phillips, United States Attorney for the District of New Jersey.

Argued by Mr. Arthur T. Vanderbilt for the appellants and by Mr. Thomas I. Emerson for the appellee. Leave granted appellants to file a reply brief by Thursday.

Daniel F. Boone,

Petitioner,

698 vs.

Clarence M. Lightner, Theodore A. Lightner, et al.

Argument commenced by Mr. Milton I. Baldinger for the petitioner.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MAY 4, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William W. Johnson, It is ordered that John H. Machado, Esquire, of San Jose, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richmond B. Keech, It is ordered that S. Warwick Keegin, Esquire, of Highland, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald G. Welsh, It is ordered that James L. Brewrink, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. McGovern, It is ordered that Francis S. Bensel, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph T. Sherier, It is ordered that John P. Chandler, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Imlay, It is ordered that Maurice Schulman, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank M. Ludwick, It is ordered that Henry C. Rohr, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul B. Cromelin, It is ordered that Lloyd Fletcher, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Cletus Keating, It is ordered that Frank C. Mason, Esquire, of New York, State of New York; Edward L. P. O'Connor, Esquire, of New York, State of New York; Charles S. Cunningham, Esquire, of Ossining, State of New York; Jules Haberman, Esquire, of New York, State of New York, and Robert B. Lisle, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vernon L. Wilkinson, It is ordered that Harry I. Hannah, Esquire, of Mattoon, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Cicero C. Sessions, It is ordered that W. C. Perrault, Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin A. Mooers, It is ordered that William Wesley Roberts, Jr., Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Edward Boyle, It is ordered that Herman Jerome Bloom, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Rublee, It is ordered that John G. Laylin, Esquire, of Washington, District of Columbia, and Walter C. Lundgren, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - - - - -

Daniel F. Boone,

Petitioner,

698 vs.

Clarence M. Lightner, Theodore A. Lightner, et al.

Argument continued by Mr. Milton I. Baldinger for the petitioner; by Mr. M. R. McCown for the respondents; and concluded by Mr. Milton I. Baldinger for the petitioner.

County of Mahnomen, a municipal corporation,

Petitioner,

684 vs.

The United States of America.

Argued by Mr. L. A. Wilson and Mr. George B. Sjoselius for the petitioner and by Mr. Vernon L. Wilkinson for the respondent.

Benjamin W. Freeman,

Petitioner,

707 vs.

Bee Machine Company, Inc.

Argument commenced by Mr. Marston Allen for the petitioner and continued by Mr. Cedric W. Porter for the respondent.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, MAY 5, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Benjamin Harrison McKinley, It is ordered that Campbell DeMallie, Esquire, of Lowell, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rees H. Barkalow, It is ordered that Matthew Trimble Sawtelle, Esquire, of Bethesda, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Palmer Jeffrey, It is ordered that Earl William Aurelius, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Cleveland Hedrick, Jr., It is ordered that Milton Eric Wertz, Esquire, of Missoula, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert S. Gaston, It is ordered that D. Elwood Caples, Esquire, of Vancouver, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Benjamin W. Freeman,

Petitioner,

707 vs.

Bee Machine Company, Inc.

Argument commenced by Mr. Marston Allen for the petitioner and continued by Mr. Cedric W. Porter for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, MAY 5, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Benjamin Harrison McKinley, It is ordered that Campbell DeMallie, Esquire, of Lowell, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rees H. Barkalow, It is ordered that Matthew Trimble Sawtelle, Esquire, of Bethesda, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Palmer Jeffrey, It is ordered that Earl William Aurelius, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Cleveland Hedrick, Jr., It is ordered that Milton Eric Wertz, Esquire, of Missoula, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert S. Gaston, It is ordered that D. Elwood Caples, Esquire, of Vancouver, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

Benjamin W. Freeman,

Petitioner,

707 vs.

Bee Machine Company, Inc.

Argument continued by Mr. Cedric W. Porter for the respondent and concluded by Mr. Marston Allen for the petitioner.

Standard Dredging Corporation,

Appellant,

722 vs.

Frieda S. Miller, as Industrial Commissioner of the State of New York and Mike Cassaretakis;

International Elevating Company,

Appellant,

723 vs.

Frieda S. Miller, as Industrial Commissioner of the State of New York and Joseph Bergen;

Matton Steamboat Co., Inc., et al.,

Appellants,

783 vs.

Frieda S. Miller, as Industrial Commissioner of the State of New York and James R. Knowlson; and

Lake Tankers Corporation,

Appellant,

813 vs.

Frieda S. Miller, as Industrial Commissioner of the State of New York and James Sheredos.

ON CONSIDERATION of the motion to substitute Michael J. Murphy, Acting Industrial Commissioner of the State of New York, as a party appellee in each of the above entitled cases in place of Frieda S. Miller, resigned;

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the cases be so continued and maintained.

Per Mr. Chief Justice Stone.

Standard Dredging Corporation,

Appellant,

722 vs.

Michael J. Murphy, Acting Industrial Commissioner of the State of New York and Mike Cassaretakis;

International Elevating Company,

Appellant,

723 vs.

Michael J. Murphy, Acting Industrial Commissioner of the State of New York and Joseph Bergen;

Matton Steamboat Co., Inc., et al.,

Appellants,

783 vs.

Michael J. Murphy, Acting Industrial Commissioner of the State of New York and James R. Knowlson; and

Lake Tankers Corporation,

Appellant,

813 vs.

Michael J. Murphy, Acting Industrial Commissioner of the State of New York and James Sheredos.

Argument commenced by Mr. Cletus Keating for the appellant in No. 722; continued by Mr. Robert B. Lisle for the appellant in No. 723; by Mr. Frank C. Mason for the appellants in No. 783; by Mr. Francis S. Bensel for the appellant in No. 813; and concluded by Mr. Orrin G. Judd for the appellees.

Great Lakes Dredge & Dock Company, et al.,

Petitioners,

849 vs.

Philip J. Charlet, Administrator, etc., et al.

Argument commenced by Mr. R. Emmett Kerrigan for the petitioners.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that William E. Ahrens, Esquire, of New York, State of New York; Norris S. Barratt, Jr., Esquire, of Philadelphia, State of Pennsylvania, and Douglass P. Wingo, Esquire, of Birmingham, State of Alabama, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry J. Walsh, It is ordered that Solomon A. Klein, Esquire, of Brooklyn, State of New York; Thomas Cradock Hughes, Esquire, of Brooklyn, State of New York, and Edward H. Levine, Esquire, of Brooklyn, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John P. Bullington, It is ordered that Leon C. Levy, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Saul N. Rittenberg, It is ordered that Martin Warren Bell, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon W. Kapp, It is ordered that Paul Henry Snow, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Boyle, Jr., It is ordered that Frank Miller Reynolds, Jr., Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Garfield Hays, It is ordered that Benj. J. Jacobson, Esquire, of Long Island City, State of New York, and Gerald Weatherly, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. H. Taylor, It is ordered that Henry H. Taylor, Jr., Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Horace Paul Dormon, It is ordered that George W. Cupps, Jr., Esquire, of Philadelphia, State of Pennsylvania, and Charles Shepherd Thompson, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - - - -

Great Lakes Dredge & Dock Company, et al.,

Petitioners,

849 vs.

Philip J. Charlet, Administrator, etc., et al.

Argument continued by Mr. R. Emmett Kerrigan for the petitioners and concluded by Mr. W. C. Perrault for the respondents.

Virginia Electric and Power Company,

Petitioner,

709 vs.

National Labor Relations Board.

Argued by Mr. George D. Gibson and Mr. T. Justin Moore for the petitioner and by Mr. Robert B. Watts for the respondent.

L. McLeod,

Petitioner,

787 vs.

M. C. Threlkeld, et al., etc.

Argument commenced by Mr. Leon C. Levy for the petitioner.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that John Hubble Baldwin, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Rudyard K. Bell, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James B. Campbell, It is ordered that James B. Campbell, Jr., Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Watson, It is ordered that Frank R. Beckwith, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard A. Moore, It is ordered that W. Arthur Countryman, Jr., Esquire, of Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben S. Fisher, It is ordered that E. F. Bernard, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney V. Smith, It is ordered that William C. Waring, Jr., Esquire, of Providence, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Wattawa, It is ordered that Austin H. Forkner, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

L. McLeod,

Petitioner,

787 vs.

M. C. Threlkeld, et al., etc.

Argument continued by Mr. Leon C. Levy for the petitioner; by Mr. John P. Bullington for the respondents; and concluded by Mr. Leon C. Levy for the petitioner.

Louis Buchalter,

Petitioner,

606 vs.

People of the State of New York;

Emanuel Weiss,

Petitioner,

610 vs.

People of the State of New York; and

Louis Capone,

Petitioner,

619 vs.

People of the State of New York.

Argument commenced by Mr. Arthur Garfield Hays for the petitioners, and continued by Mr. Sydney Rosenthal and Mr. I. Maurice Wormser for the petitioners and by Mr. Solomon A. Klein for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

MONDAY, MAY 10, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Nelson J. Jewett, It is ordered that Charles J. Merriam, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward A. Penprase, It is ordered that B W Burkhead, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Evans, It is ordered that Arthur G. Barnett, Esquire, of Seattle, State of Washington, and Frank L. Walters, Esquire, of Seattle, State of Washington, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond F. Garrity, It is ordered that Perry Allen Beck, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Gorfinkel, It is ordered that Austin Rhone Clapp, Esquire, of Huntington Park, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Glenn, It is ordered that George S. Fitzgerald, Esquire, of Detroit, State of Michigan, and Paul B. Mayrand, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - - - - -

National Broadcasting Company, Inc., and Stromberg-Carlson Telephone Manufacturing Company,	Appeal from the District Court of
Appellants,	the United States for the Southern
554 vs.	District of New York.
The United States of America, Federal Communications Commission and Mutual Broadcasting System, Inc.	

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Mr. Justice Black and Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Roberts agrees with the views expressed therein.

Columbia Broadcasting System, Inc.,

Appellant,

555 vs.

The United States of America, Federal Communications Commission and Mutual Broadcasting System, Inc.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Mr. Justice Black and Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Roberts agrees with the views expressed therein.

Clem Lockerty, Anthony Caruso, Edward A. Carroll, et al.,

Appellants,

934 vs.

Charles M. Phillips, United States Attorney for the District of New Jersey.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Garfield J. Kelly,

Petitioner,

vs.

John W. Gerdink, Vigo Circuit Court, Indiana.

ON CONSIDERATION of the application submitted herein by Garfield J. Kelly,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Magnolia Petroleum Company et al.,

Petitioners,

863 vs.

Sullivan H. Hunt.

ON CONSIDERATION of the motion of respondent for leave to proceed in forma pauperis in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Northwest Airlines, Inc., Order allowing certiorari.

Petitioner,

882 vs.

State of Minnesota.

The petition herein for a writ of certiorari to the Supreme Court of the State of Minnesota is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Consumers Import Co., Inc., et al., — Order allowing certiorari.

Petitioners,

881 vs.

Kabushiki Kaisha Kawasaki Zosenjo and Kawasaki Kisen Kabushiki Kaisha.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the fifth question presented by the petition. The case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

David Busey and Orville J. Richie, — Order allowing certiorari.

Petitioners,

235 vs.

District of Columbia.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Pitt River Power Company,

Petitioner,

786 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Herman A. Hinze, Carl E. Sturm, Endre A. Sharpee, et al.,

Petitioners,

862 vs.

Morvin Duel, Commissioner of Insurance, as Liquidator of the Wisconsin Mutual Insurance Company.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leslie Pullard-Leo and Ellen Pullard-Leo,

Petitioners,

883 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Texas Land and Mortgage Company,
Petitioner,
896 vs.
Lon Alexander Mullican.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Harvey S. Cover,
Petitioner,
906 vs.
Nathan Schwartz, doing business as Hygeia Respirator Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

State of Tennessee, ex rel. Philip J. Sherman and John V. Avakian,
Petitioner,
911 vs.
O. W. Hyman, Dean of the University of Tennessee College of Medicine, et al.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

New York Life Insurance Company, Petitioner, vs. Mae G. Chapman. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

914

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

C. S. Cameron, Petitioner, vs. J. P. Gordon. — On petition for writ of certiorari to the Court of Appeals, Licking County, State of Ohio.

961

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals, Licking County, State of Ohio and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Magnus Beck Brewing Company, Inc. Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

846

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Aetna Casualty and Surety Company,

Petitioner,

880 vs.

First Camden National Bank and Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Standard Oil Company of Kansas,

Petitioner,

788 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Osage Tribe of Indians and Fred Lookout, Principal Chief and Member of the Osage Tribe of Indians, on Behalf of said Tribe and Members Thereof,

Petitioners,

897 vs.

Harold L. Ickes, Secretary of the Interior of the United States, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. A. Kennedy Realty Corporation, Daniels & Kennedy, Inc., John A. Kennedy, et al., Petitioners, vs. The City of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

959

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Polakow's Realty Experts, Inc., Petitioner, vs. The State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

752

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of final judgment.

Per Mr. Chief Justice Stone.

P. S. Strumpf, Petitioner, vs. The State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

753

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of final judgment.

Per Mr. Chief Justice Stone.

A. M. Joyce,

Petitioner,

993 vs.

State Bank of Madison.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

The Creek Nation,

Petitioner,

321 vs.

The United States; and

The Seminole Nation,

Petitioner,

322 vs.

The United States.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

The New York Trust Company, as the Trustee Under the Debenture Agreements Between it and The United Light and Power Company, et al.,

Petitioners,

772 vs.

Securities and Exchange Commission and The United Light and Power Company.

ON CONSIDERATION of the motion to defer consideration of the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The New York Trust Company, as the Trustee Under the Debenture Agreements Between it and The United Light and Power Company, et al.,

Petitioners,

772 vs.

Securities and Exchange Commission and The United Light and Power Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert B. Lukens,

Petitioner,

737 vs.

The State of Ohio.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Estella Reece, a Widow,

Petitioner,

754 vs.

Theodore Ebersbach, Charles Ebersbach, and S. B. Brinson, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. H. Anderson,

Petitioner,

809 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. and Mrs. J. H. Anderson,

Petitioners,

810 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Franklinville Realty Company,

Petitioner,

819 vs.

Arnold Construction Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

ORDER

It is ordered that the call of the docket, except for special assignments, be suspended for the term upon the conclusion of the argument in case No. 628, and that the Court will then take a recess until Monday, May 17, from that day until Monday, May 24, and from that day until Tuesday, June 1, upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Ex parte Henry R. Anderson,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus presented.

- - - - - - - - - - - -

Louis Buchalter,

Petitioner,

606 vs.

People of the State of New York;

Emanuel Weiss,

Petitioner,

610 vs.

People of the State of New York; and

Louis Capone,

Petitioner,

619 vs.

People of the State of New York.

Argument continued by Mr. Solomon A. Klein for the respondent; by Mr. John Schulman for the petitioners; and concluded by Mr. J. Bertram Wegman for the petitioners.

Richard Philip Adams, et al.,

889 vs.

The United States of America,
et al.

Argued by Mr. Thurgood Marshall for Adams, et al. and by Mr. Robert L. Stern for the United States, et al.

Gordon Kiyoshi Hirabayashi,

870 vs.

The United States of America; and

Minoru Yasui,

871 vs.

The United States of America.

Argument commenced by Mr. Frank L. Walters for Hirabayashi and continued by Mr. Harold Evans for Hirabayashi.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MAY 11, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry Palmer Jeffrey, It is ordered that Jean M. Coleman, of Dayton, State of Ohio, and John E. Coleman, Esquire, of Dayton, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. William Chapman Revercomb, It is ordered that Wade Hampton Ballard, II, Esquire, of Welch, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Herbert E. Oakes, Esquire, of Ponca City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hyman Maurice Goldstein, It is ordered that Morris Daniel Coppersmith, Esquire, of Rock Island, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Gwynne, It is ordered that Roy L. Pell, Esquire, of Marshalltown, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Sapienza, It is ordered that William R. Perdue, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Felix, It is ordered that Brenton Lewis Metzler, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis E. Lercara, It is ordered that David Buer Love, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul D. Page, Jr., It is ordered that Allen C. Dawson, Esquire, of Taylorville, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Hornor Snelling, It is ordered that Henry G. Burke, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Reed T. Rollo, It is ordered that Vernon M. Welsh, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Harry R. Hurvitz, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Gordon Kiyoshi Hirabayashi,

870 vs.

The United States of America; and

Minoru Yasui,

871 vs.

The United States of America.

Argument continued by Mr. Harold Evans for Hirabayashi; by Mr. E. F. Bernard for Yasui; by Mr. A. L. Wirin for Yasui; by Mr. Solicitor General Fahy for the United States; by Mr. A. L. Wirin for Yasui; and concluded by Mr. Harold Evans for Hirabayashi.

Fred Toyosaburo Korematsu,

912 vs.

The United States of America.

Argued by Mr. A. L. Wirin for Korematsu and by Mr. John L. Burling for the United States.

The United States of America,

Appellant,

840 vs.

Dick Johnson.

Argument commenced by Mr. Paul A. Freund for the appellant.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Joseph B. Cozatt, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that Simon J. Liebowitz, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Enrietto, It is ordered that I. Newton Brozan, Esquire, of New York, State of New York, and Aaron Holman, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herman J. Galloway, It is ordered that Theodore L. Harrison, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The United States of America,

Appellant,

840 vs.

Dick Johnson.

Argument continued by Mr. Paul A. Freund for the appellant; by Mr. Vernon M. Welsh for the appellee; by Mr. Paul A. Freund for the appellant; and concluded by Mr. Vernon M. Welsh for the appellee.

Homer Lester Bartchy, alias Homer Brooks,

Petitioner,

762 vs.

The United States of America.

Argued by Mr. Bernard A. Golding for the petitioner and by Mr. Valentine Brookes for the respondent.

Virginian Hotel Corporation of Lynchburg,

Petitioner,

766 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Argument commenced by Mr. William A. Sutherland for the petitioner.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Arnold A. Raum, It is ordered that Robert E. Kopp, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee Gilmour Paul, It is ordered that Robert G. Howlett, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Adolph H. Levy, It is ordered that Robert Mandel, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Virginian Hotel Corporation of Lynchburg,

Petitioner,

766 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Argument continued by Mr. William A. Sutherland for the petitioner; by Mr. Samuel H. Levy for the respondent; and concluded by Mr. William A. Sutherland for the petitioner.

The Interstate Commerce Commission, J. M. Kurn, et al., etc.,

Appellants,

628 vs.

Columbus and Greenville Railway Company.

Reargued by Mr. Daniel W. Knowlton for the appellant, Interstate Commerce Commission; by Mr. Elmer A. Smith for the appellants, J. M. Kurn, et al.; and by Mr. Robert C. Stovall and Mr. Forrest B. Jackson for the appellee.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, May 17, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Bennett Boskey, Esquire, of New York, State of New York; Henry Lester Seidner, Esquire, of Chicago, State of Illinois; Ralph A. Gilchrist, Esquire, of Washington, District of Columbia; Frederick M. Schlater, Esquire, of New York, State of New York; Frank Buckley, Esquire, of Washington, District of Columbia; and Joseph B. Danzansky, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence D. Todd, Jr., It is ordered that Frank William Swann, Jr., Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Vallance, It is ordered that George D. Dorroh, Esquire, of Lexington, State of Kentucky, and A. Noel DuComb, Esquire, of South Bend, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Patterson, It is ordered that Paul E. Jamieson, Esquire, of Hyattsville, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John B. Dudley, It is ordered that Harry Dennis Turner, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Francis Reilly, It is ordered that Thomas L. Wrenn, Esquire, of Sherman, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Imlay, It is ordered that Sam B. Sebree, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that George B. Finnegan, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - - -

The United States of America Upon the Relation and for the Use of the Tennessee Valley Authority,

Petitioner,

vs.

W. V. N. Powelson, Assignee and Successor in Interest of Southern States Power Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

3

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Jackson in which the Chief Justice, Mr. Justice Roberts, and Mr. Justice Frankfurter join.

Federal Communications Commission, Petitioner, vs. National Broadcasting Company, Inc. (K O A), Matheson Radio Company, Inc., and Berks Broadcasting Company, Intervenors.

585

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals.

Per Mr. Justice Roberts.

Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Frankfurter and Mr. Justice Douglas.

- - - - - - - - - - - -

The Chief Justice announced the following order of the Court.

- - - - - - - - - - - -

Wm. Levin, Homer V. Talbot, C. C. Beene, et al.,

Appellants,

839 vs.

The United States of America, and Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and on motions to affirm, which were duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motions to affirm the decree of the District Court in this cause be, and the same are hereby, granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

The Chief Justice said;

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - - -

Ex parte Henry R. Anderson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte P. A. Whistler,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Arthur S. Humes,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Walter F. Cole and
Fann Cole,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Martin V. Ross,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice, on the ground that it does not appear that petitioner has exhausted state remedies by applying to the Supreme Court of Michigan for a writ of habeas corpus.

Per Mr. Chief Justice Stone.

Ex parte Dewey Gooch,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice, on the ground that it does not appear that state court remedies have been exhausted.

Per Mr. Chief Justice Stone.

Berlin Spence,

Petitioner,

—— vs.

State of Indiana.

ON CONSIDERATION of the application submitted herein by Berlin Spence,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William J. Demorest, Jr., et al.,

Appellants,

957 vs.

City Bank Farmers Trust Company, as Trustee, etc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Federal Power Commission, City of Akron and Pennsylvania Public Utility Commission,

Petitioners,

890 vs.

Hope Natural Gas Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

City of Cleveland,

Petitioner,

891 vs.

Hope Natural Gas Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

J. B. Wheat, et al.,
Petitioners,
710 vs.
Texas Land and Mortgage Company, Limited, et al.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jane M. Stimson and Blanche M. Newman,
Petitioners,
884 vs.
R. C. Tarrant and Barnes, Butler Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Botany Worsted Mills,
Petitioner,
887 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Botany Worsted Mills, Petitioner, vs. National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

888

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

People of Puerto Rico, Petitioner, vs. The United States of America and Casino de Puerto Rico. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

902

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edison Brothers Stores, Inc., Petitioner, vs. Guy T. Helvering, Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

916

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Bertha R. Linder, in Behalf of Herself and Other Owners of Manhattan 4% Second Mortgage Bonds,

Petitioner,

917 vs.

Van S. Merle-Smith, and Others, as Protective Committee for Manhattan Railway Company Consolidated Mortgage 4% Gold Bonds.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Pacific Steamship Lines, Inc.,

Petitioner,

921 vs.

Roy W. Crosby.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lyman Pleniken and Mrs. Lyman Pleniken,

Petitioners,

938 vs.

Great American Indemnity Company, Capital City Press, Wm. Wolf Bakery, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

John T. Regan,
Petitioner,
986 vs.
Cameron King, as Registrar of Voters in the City and County of San Francisco, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

South Mercur Mining Company,
Petitioner,
781 vs.
New Mercur Mining Company and the Snyder Mines, Incorporated.

On petition for writ of certiorari to the Supreme Court of the State of Utah.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Utah and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Lochmann,
Petitioner,
898 vs.
Ed Sykes for and in Behalf of Himself and Certain Others Similarly Situated, and as Agent for Those Others, etc.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas. and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cafeteria Employees Union, Local 302, and William Mesevich,

Petitioners,

903 vs.

Gus Angelos, John Harris, Lucas Harris, et al.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied on the ground that it does not appear from the record that the federal question presented by the petition was properly presented to or expressly passed on by the New York Court of Appeals.

Per Mr. Chief Justice Stone.

Cafeteria Employees Union Local 302, and William Mesevich,

Petitioners,

904 vs.

Elias Tsakires, Kallis Constantinon, Christ Lymbouris, et al.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied on the ground that it does not appear from the record that the federal question presented by the petition was properly presented to or expressly passed on by the New York Court of Appeals.

Per Mr. Chief Justice Stone.

Joseph di Marzo,

Petitioner,

929 vs.

The United States of America.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and

the same is hereby, granted.

Joseph di Marzo,
Petitioner,
929 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Wabash Valley Coach Co.,
Petitioner,
924 vs.
Gertrude B. Sale, as President of Wabash Valley Coach Co., et al.

ON CONSIDERATION of the petition that injunctive orders issue against all the respondents herein except Charles A. Turner and that the proceedings in this cause in the Superior Court of Vigo County, No. 2, State of Indiana be stayed until the final disposition of the petition for certiorari filed in this Court,

IT IS ORDERED by this Court that the said petition for a stay be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wabash Valley Coach Co.,
Petitioner,
924 vs.
Gertrude B. Sale, as President of Wabash Valley Coach Co., et al.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles A. Turner, Petitioner, vs. Wabash Valley Coach Co., et al.

925

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph W. Cress, Petitioner, vs. State of Washington.

980

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph W. Cress, Petitioner, vs. State of Washington.

980

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter F. Cole and Fann Cole,

Petitioners,

982 vs.

Nathan Mayo, as Custodian of the Florida State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter F. Cole and Fann Cole,

Petitioners,

982 vs.

Nathan Mayo, as Custodian of the Florida State Prison.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmond C. Fletcher,

Petitioner,

869 vs.

The Evening Star Newspaper Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher, Petitioner, vs. The Evening Star Newspaper Company. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

869

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Chief Justice is of the opinion that the petition should be granted.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher, Petitioner, vs. Harold M. Stephens, Justin Miller and Fred M. Vinson, et al.

901

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher, Petitioner, vs. Harold M. Stephens, Justin Miller and Fred M. Vinson, et al. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

901

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Peter J. Innes, Jr.,

Petitioner,

873 vs.

Colonel T. L. Crystal, Commanding Officer of the United States Army, Governor's Island, N. Y., etc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Peter J. Innes, Jr.,

Petitioner,

873 vs.

Colonel T. L. Crystal, Commanding Officer of the United States Army, Governor's Island, N. Y., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied on the ground that the cause is moot, it appearing that the petitioner no longer is in respondent's custody.

Per Mr. Chief Justice Stone.

Curtis Robinson,

Petitioner,

1011 vs.

The State of Alabama.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Curtis Robinson,
Petitioner,
1011 vs.
The State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Daniels, Jr.,
Petitioner,
1012 vs.
The State of Alabama.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Daniels, Jr.,
Petitioner,
1012 vs.
The State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Curtis Robinson,

Petitioner,

1011 vs.

The State of Alabama; and

Henry Daniels, Jr.,

Petitioner,

1012 vs.

The State of Alabama.

It is ordered by this Court that the orders heretofore entered in the above entitled causes staying the execution of the sentence of death in each case be, and the same are hereby, vacated.

Per Mr. Chief Justice Stone.

Chicago and North Western Railway Company,

Petitioner,

34, 35 & 36 vs.

Mutual Savings Bank Group Committee, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Louis Susman, et al., Convertible Bond Owners,

Petitioners,

37 & 38 vs.

Mutual Savings Bank Group Committee, etc., et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Irving Trust Company, as Successor Trustee Under the First Mortgage of Milwaukee and State Line Railway Company,

Petitioner,

62, 63 & 64 vs.

Mutual Savings Bank Group Committee, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Board of County Commissioners of the County of Creek, State of Oklahoma, a Municipal Corporation, et al.,

Petitioners,

556 vs.

Evelyn Seber, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

Anna S. A. Graf and August Graf, Individually and said August Graf, as Executor of the Estate of George C. Shipman, Deceased, et al.,

Petitioners,

818 vs.

City of Newark.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The State of Colorado,

Complainant,

5, Original vs.

The State of Kansas, et al.

Report of the Special Master presented.

Samuel Green, d. b. a. Green Vacuum Cleaner Company (Not Inc.),

Petitioner,

794 vs.

Electric Vacuum Cleaner Company, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

It appearing to the Court that counsel for the petitioner has filed a motion to dismiss the writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed without costs.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, May 24, next, at 12 o'clock.

MONDAY, MAY 24, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Albert E. Sawyer, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen W. Gullion, It is ordered that R. McDonald Gray, Esquire, of Charlotte, State of North Carolina; Benjamin Harrison Powell, IV, Esquire, of Austin, State of Texas, and Lazare F. Bernhard, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Clark P. Diggins, Esquire, of Fort Wayne, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Victor A. Sachse, It is ordered that Hermann Moyse, Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis D. Butler, It is ordered that Andrew R. Bratter, Esquire, of Saint Paul, State of Minnesota, and James F. Lynch, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that Oliver C. Hancock, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Mary C. Martin, It is ordered that Mabel K. Busse, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John B. Golden, It is ordered that Michael F. Keogh, Esquire, of Washington, District of Columbia, and J. Robert Carey, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milo J. Warner, It is ordered that Frank S. Lewis, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Horace Hafer, It is ordered that James L. Atkins, Esquire, of Lebanon, State of Pennsylvania, and Joseph L. Hoffmann, Esquire, of Monongahela, State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl T. Curtis, It is ordered that Victor E. Spittler, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meyer J. Sawyer, It is ordered that R. Lee Jarrell, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Henry Walter, It is ordered that Chesley A. Lycan, Esquire, of Louisa, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Kramer, It is ordered that Anne Snider, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond S. Norris, It is ordered that Gaines H. Gough, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lloyd Fletcher, Jr., It is ordered that Edward W. Moses, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Lozier, it is ordered that John D. Conner, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred W. Albertson, It is ordered that James F. Foley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. E. Jaeger, It is ordered that John Alvin Croghan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David R. Shelton, It is ordered that Richard Z. Lamberson, Esquire, of Fresno, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Franklin G. Hinckley, It is ordered that Lester M. Selwin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Harvey J. Shoemaker, Esquire, of Louisville, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph M. Kaufmann, It is ordered that Murray M. Cowen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The Chief Justice said:

"The Court learns with great sorrow of the death of Mrs. William Howard Taft, widow of the late Chief Justice of this Court.

"The Court is advised that the funeral ceremonies will be held in Washington tomorrow at two o'clock in the afternoon. Members of the Court will be present to show appropriate respect to her memory."

- - - - - - - - - - - -

Joseph Galloway, by Freda Galloway, His Guardian,

Petitioner,

553 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

Florence J. Bailey, as Administratrix of E. Bailey,

Petitioner,

640 vs.

Central Vermont Railway, Inc.

On writ of certiorari to the Supreme Court of the State of Vermont.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Vermont, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Separate opinion by Mr. Justice Roberts in which Mr. Justice Frankfurter joins.

Separate opinion by Mr. Chief Justice Stone.

A. W. Altvater and The Western Supplies Company,

Petitioners,

696 vs.

Benjamin W. Freeman and The Louis G. Freeman Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Separate opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

Standard Dredging Corporation, Appellant,
722 vs.
Michael J. Murphy, Acting Industrial Commissioner of the State of New York, and Mike Cassaretakis.

Appeal from the Supreme Court of the State of New York, Appellate Division, Third Department.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Appellate Division, Third Department, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, Appellate Division, on the remittitur from the Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

International Elevating Company, Appellant,
723 vs.
Michael J. Murphy, Acting Industrial Commissioner of the State of New York, and Joseph Bergan.

Appeal from the Supreme Court of the State of New York, Appellate Division, Third Department.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Appellate Division, Third Department, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, Appellate Division, on the remittitur from the Court of Appeals in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Richard Philip Adams, John Walter Bordenave and Lawrence Mitchell,

889 vs.

The United States of America and John S. Ryan, Warden.

On a certificate from the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on a certificate from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is the opinion of this Court that the first question certified must be answered "Yes"; and that the second question certified must be answered "No".

WHEREUPON, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Black.

G. E. Burford et al.,

Petitioners,

495 vs.

Sun Oil Company et al.

Sun Oil Company et al.,

Petitioners,

496 vs.

G. E. Burford et al.

On writs of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the judgment of the said Circuit Court of Appeals in this cause, be, and the same is hereby, reversed with costs and that the judgment of the District Court dismissing the complaint be, and the same is hereby, affirmed for the reasons stated in the opinion of this Court.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Texas to be dismissed without prejudice to such proceedings as a state court may consider appropriate.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Douglas in which Mr. Justice Murphy joins.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts and Mr. Justice Reed join.

The Chief Justice expresses no views as to the desirability, as a matter of legislative policy, of retaining the diversity jurisdiction. In all other respects he concurs in the opinion of Mr. Justice Frankfurter.

O. L. Hastings et al., Petitioners, vs. Selby Oil & Gas Company et al. — On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

528

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Texas with instructions to dismiss the complaint without prejudice to such proceedings as a state court may consider appropriate.

Per Mr. Justice Black.

The Chief Justice, Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter dissent for the reasons stated in the dissent in Burford et al vs. Sun Oil Co. et al., Nos. 495 and 496.

Great Lakes Dredge & Dock Company, et al.,

Petitioners,

vs.

849

C. C. Huffman, Administrator, Division of Employment Security, Louisiana Department of Labor, etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Louisiana.

Per Mr. Chief Justice Stone.

The United States of America and Edward Roach,

Appellants,

vs.

840

Dick Johnson.

Appeal from the District Court of the United States for the Northern District of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the judgment of the said District Court in this cause be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said District Court with instructions to dismiss the cause on the ground that the suit is collusive, costs in this Court to be taxed against the appellee.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

In re Disbarment of George B. Johnson.

—. O R D E R

It having been reported to the Court that George B. Johnson, of West Chester, Commonwealth of Pennsylvania, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania;

It is ordered that the said George B. Johnson, be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Stone.

Ex parte Richard Rice,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Colorado,

Complainant,

5, Original vs.

The State of Kansas and The Finney County Water Users' Association, a Corporation.

The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before July 1, next; that briefs upon such exceptions be filed on or before September 13; and that reply briefs, if any, be filed on or before October 4. The cause is assigned for hearing on Monday, October 11, next, at the head of the call for that day.

Kenneth Bender, H. H. Beckman, Clyde F. Snodgrass and Alfred Lindauer,

Appellants,

954 vs.

Claude R. Wickard, Individually and as Secretary of Agriculture of The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted. The case is transferred to the summary docket and assigned for argument on Tuesday, June 1, next.

Per Mr. Chief Justice Stone.

Midstate Horticultural Co., Inc., Order allowing certiorari.

Petitioner,

913 vs.

The Pennsylvania Railroad Company.

The petition herein for a writ of certiorari to the Supreme Court of the State of California is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

W. J. Meredith, James G. Martin and A. R. Ohmart, Order allowing certiorari.

Petitioners,

923 vs.

The City of Winter Haven.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

General Committee of Adjustment of the Brotherhood of Locomotive Engineers for Missouri-Kansas-Texas Railroad, an Unincorporated Association,

Petitioner,

796 vs.

Missouri-Kansas-Texas Railroad Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. Counsel are requested to discuss in their briefs and on oral argument the following questions, so far as applicable in each case:

(1) whether resort to the declaratory judgment procedure is appropriate in the circumstances;

(2) whether any questions of the construction of the contracts involved are governed by state or by federal law;

(3) what bearing, if any, the Norris-La Guardia Act has on the propriety of granting the relief sought;

(4) in No. 937, whether the district court had jurisdiction to review the certification of the Board.

The Solicitor General is requested to file a brief amicus curiae, and if he so desires to participate in the oral argument.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Pacific Lines of Southern Pacific Company, (an Unincorporated Association),

Petitioner,

845 vs.

Southern Pacific Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. Counsel are requested to discuss in their briefs and on oral argument the following questions, so far as applicable in each case:

(1) whether resort to the declaratory judgment procedure is appropriate in the circumstances;

(2) whether any questions of the construction of the contracts involved are governed by state or by federal law;

(3) what bearing, if any, the Norris-La Guardia Act has on the propriety of granting the relief sought;

(4) in No. 937, whether the district court had jurisdiction to review the certification of the Board.

The Solicitor General is requested to file a brief amicus curiae, and if he so desires to participate in the oral argument.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

General Grievance Committee of the Brotherhood of Locomotive Firemen and Enginemen,

Petitioner,

vs.

General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Southern Pacific Lines of Southern Pacific Company, etc., et al.

Order allowing certiorari.

918

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. Counsel are requested to discuss in their briefs and on oral argument the following questions, so far as applicable in each case:

(1) whether resort to the declaratory judgment procedure is appropriate in the circumstances;

(2) whether any questions of the construction of the contracts involved are governed by state or by federal law;

(3) what bearing, if any, the Norris-La Guardia Act has on the propriety of granting the relief sought;

(4) in No. 937, whether the district court had jurisdiction to review the certification of the Board.

The Solicitor General is requested to file a brief amicus curiae, and if he so desires to participate in the oral argument.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Switchmen's Union of North America, in its own Right, etc., T. C. Cashen, et al.,

Petitioners,

937 vs.

National Mediation Board, George A. Cook, William M. Leiserson, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted. Counsel are requested to discuss in their briefs and on oral argument the following questions, so far as applicable in each case:

(1) whether resort to the declaratory judgment procedure is appropriate in the circumstances;

(2) whether any questions of the construction of the contracts involved are governed by state or by federal law;

(3) what bearing, if any, the Norris-La Guardia Act has on the propriety of granting the relief sought;

(4) in No. 937, whether the district court had jurisdiction to review the certification of the Board.

The Solicitor General is requested to file a brief amicus curiae, and if he so desires to participate in the oral argument.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

George E. Eddy and Samuel Silbiger, Petitioners,
893 vs.
Charles H. Kelby and Clifford S. Kelsey, Trustees of the Debtor, Prudence Bonds Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circui and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

George E. Eddy and Samuel Silbiger, Petitioners,
894 vs.
Charles H. Kelby and Clifford S. Kelsey, Trustees of the Debtor, Prudence Bonds Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circui and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Catherine Mesa Conterno, Petitioner,
909 vs.
Nat Rogan, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

R. E. Wirrick,

Petitioner,

920 vs.

City of Bloomington, a Municipal Corporation.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans,

Petitioner,

922 vs.

Kora T. Evens, Widow of James W. Evens.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Glens Falls Indemnity Company and Jahncke Service, Inc.,

Petitioners,

928 vs.

Joseph H. Henderson, Deputy Commissioner, United States Employees' Compensation Commission, Seventh Compensation District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Irene M. Watson, Grace Banks and F. W. Banks, et al.,
Petitioners,
939 vs.
Paul Caspers.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

John Hancock Mutual Life Insurance Company,
Petitioner,
941 vs.
Thomas J. Casey, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Merlin F. Raines,
Petitioner,
944 vs.
Unemployment Compensation Commission of New Jersey.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Great Lakes Coca-Cola Bottling Company,

Petitioner,

952 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Howard National Bank and Trust Company,

Petitioner,

978 vs.

Emily Tenney Morgan, Marian Bayley Buchanan, Richard Morgan, et al.

On petition for writ of certiorari to the Supreme Court of the State of Vermont.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Vermont and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harold Hadesman, alias Harold Goldstein,

Petitioner,

984 vs.

The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Milk Wagon Drivers' Union, Local 753, of the International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, et al.,

Petitioners,

1016 vs.

Bernard Pichter.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Colgate-Palmolive-Peet Company,

Petitioner,

907 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Colgate-Palmolive-Peet Company,

Petitioner,

908 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of

Samuel B. Johnston,

Petitioner,

965 vs.

Board of Dental Examiners, District of Columbia, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Antoine Kills Plenty and Leonard Jack,

Petitioners,

843 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Antoine Kills Plenty and Leonard Jack,

Petitioners,

843 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Garfield C. Thompson, Trustee,

Petitioner,

976 vs.

Belford V. Lawson, Jr., E. V. Crittenden and W. Paul Hart, Trustees.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Garfield C. Thompson, Trustee,

Petitioner,

976 vs.

Belford V. Lawson, Jr., E. V. Crittenden and W. Paul Hart, Trustees.

On petition for writ of certiorari to the United States Court of Appeal for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Joseph Mescall,

Petitioner,

962 vs.

W. T. Grant Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Mescall,

Petitioner,

962 vs.

W. T. Grant Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Martin J. Bernards and Lena Bernards,

Petitioners,

2, October Term, 1941 vs.

M. R. Johnson, Catherine Collins, et al.

ON CONSIDERATION of the motion to recall the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

L. T. Barringer and Company,

Appellant,

520 vs.

The United States of America, Interstate Commerce Commission, et al.

It is ordered that the opinion of the Court be amended by adding at the end the following paragraph:

"We have considered appellant's attack on the sufficiency of the evidence to support the Commission's findings, and conclude, as did the court below, that they are adequately supported by substantial evidence of record. Compare Florida v. United States, 292 U. S. 1, 12; Merchants' Warehouse Company v. United States, supra, 508."

Per Mr. Chief Justice Stone.

L. T. Barringer and Company,

Appellant,

520 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Garfield J. Kelly,

Petitioner,

—— vs.

County of Vigo, State of Indiana.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert L. Douglas, Albert R. Gundecker, et al.,

Petitioners,

450 vs.

City of Jeannette (Pennsylvania), a Municipal Corporation, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bank of America National Trust
and Savings Association,

Petitioner,

758 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bank of America National Trust
and Savings Association,

Petitioner,

759 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter F. Cole and Fann Cole,

Petitioners,

982 vs.

Nathan Mayo, as Custodian of the
Florida State Prison.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Akron, Canton & Youngstown Railway Company, Debtor,

Petitioner,

354 vs.

George E. Hagenbuch; and

Wm. H. Chamberlain, Holder of Record of all the Common Stock of The Akron, Canton & Youngstown Railway Company, etc., et al.,

Petitioners,

355 vs.

George E. Hagenbuch and H. B. Stewart, Jr., Trustees, etc., et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court tha

the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

The United States of America, ex rel. Peter J. Innes, Jr.,

Petitioner,

873 vs.

Colonel T. L. Crystal, Commanding Officer of the United States Army, Governors Island, N. Y., etc.

ON CONSIDERATION of the motion by petitioner to substitute William H. Hiatt, Warden, United States Penitentiary, Lewisburg, Pennsylva as the party respondent in this case in place of Colonel T. L. Crystal, Commanding Officer of the United States Army, Governors Island, N. Y.,

IT IS ORDERED by this Court that the said motion be, and th same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The United States of America, ex rel. Peter J. Innes, Jr.,

Petitioner,

873 vs.

Colonel T. L. Crystal, Commanding Officer of the United States Army, Governors Island, N. Y., etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by the Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The United States of America,

Appellant,

629 vs.

Philip Lepowitch and Marvin Spector.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by the Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Richard K. Hopkins, Judge, etc.,

Petitioner,

765 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Clarence Pearson,

- Appellant,

844 vs.

The People of the State of California, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Max Stephan,

Petitioner,

792 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of the opinion that the petition for rehearing and the petition for writ of certiorari should be granted.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Tuesday, June 1, next, at 12 o'clock.

TUESDAY, JUNE 1, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Samuel J. Robbins, Esquire, of Brooklyn, State of New York, and Sidney O. Raphael, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Homer Ferguson, It is ordered that Harlan J. Bushfield, Esquire, of Miller, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ray J. Madden, It is ordered that Robert Leonard Daerr, Esquire, of East Chicago, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. Lemke, It is ordered that John J. McIntyre, Esquire, of Douglas, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. O. Bland, It is ordered that J. H. Tyler McConnell, Esquire, of Radford, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lord O'Brian, It is ordered that John Van Sickle, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rossa F. Downing, It is ordered that Walter E. McNamara, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. F. Norrell, It is ordered that Gladys Neal Brandon, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that Clyde S. Shumaker, Esquire, of Butler, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Martin, It is ordered that Melford M. Lothrop, Esquire, of Sioux City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl L. Ristine, It is ordered that Martin E. Lawson, Esquire, of Liberty, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Carl L. Christensen, Jr., Esquire, of Eureka, State of California, and Llewellyn Sydnor Jordan, Esquire, of Seattle, State of Washington, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. M. Reddan, It is ordered that Frank H. Lawton, Esquire, of Trenton, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold B. Corwin, It is ordered that James D. Adams, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Victor A. Sachse, It is ordered that Charles L. Fleming, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ellis Manning, It is ordered that Agnes L. Cherry, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Harold H. Shaller, It is ordered that Chris Wilson, Esquire, of Butler, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh Peterson, It is ordered that Lelia Brown Reed, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Francis B. Leech, It is ordered that Drury W. Cooper, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that Welch Jordan, Esquire, of Greensboro, State of North Carolina; D. E. Hudgins, Esquire, of Greensboro, State of North Carolina, and Martin F. O'Donoghue, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this

On motion first made to the Court in this behalf by Mr. Mahlon D. Kiefer, It is ordered that R. E. Joyce, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that Wm. F. Fitzgerald, Esquire, of Norwalk, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. P. Wenchel, It is ordered that Joseph G. Blandi, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. B. Garnett, It is ordered that Elliott DeJarnette Marshall, Esquire, of Front Royal, State of Virginia; John S. Battle, Esquire, of Charlottesville, State of Virginia; and Aubrey G. Weaver, Esquire, of Front Royal, State of Virginia, be admitted to practice as Attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Houston, It is ordered that Thomas B. Dyett, Esquire, of New York, State of New York, and Harold A. Stevens, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jaime Hernandez, It is ordered that Alberto Enroquez y Joaquin, Esquire, of Obando, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William I. Denning, It is ordered that Earl Clifford Walck, Esquire, of Washington, District of Columbia, and Richard A. Fitzgerald, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Thomas G. Chamberlain, Esquire, of New York, State of New York, and Edward J. Willi, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Epstein, It is ordered that Louis Steel Goodman, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James F. Splain, It is ordered that Fredrick Sharon Farr, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston C. King, Jr., It is ordered that Earl Wilbur Shaw, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Marbury, Jr., It is ordered that Hall Hammond, Esquire, of Baltimore, State of Maryland, and Daniel Heyward Hamilton, Jr., Esquire, of Baltimore, State of Maryland, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that George H. Salley, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Benjamin W. Freeman, Petitioner, vs. Bee Machine Company, Inc.

707

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Jackson join.

Moline Properties, Inc., Petitioner, vs. Commissioner of Internal Revenue.

660

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Nathan Mayo and Roy Hutchinson, Appellants, vs. The United States of America. — Appeal from the District Court of the United States for the Northern District of Florida.

726

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Reed.

Mr. Justice Black concurs in the result.

Fred Toyosaburo Korematsu, vs. The United States of America. — On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

912

THIS CAUSE came on to be heard on a certificate from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is the opinion of this Court that the question certified must be answered "Yes".

WHEREUPON, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Black.

Louis Buchalter, Petitioner, vs. People of the State of New York. — On writ of certiorari to the County Court of Kings County, State of New York.

606

THIS CAUSE came on to be heard on the transcript of the record from the County Court of Kings County, State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

Mr. Justice Black, substantially agreeing with the views expressed in the opinion of the Court, is of opinion that the petition should be dismissed.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

Emanuel Weiss, Petitioner, vs. People of the State of New York. 610

On writ of certiorari to the Court of Appeals of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the County Court of Kings County, State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

Mr. Justice Black, substantially agreeing with the views expressed in the opinion of the Court, is of opinion that the petition should be dismissed.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

Louis Capone, Petitioner, vs. People of the State of New York. 619

On writ of certiorari to the County Court of Kings County, State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the County Court of Kings County, State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

Mr. Justice Black, substantially agreeing with the views expressed in the opinion of the Court, is of opinion that the petition should be dismissed.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consid-

Matton Steamboat Co., Inc., and Conners Marine Co., Inc.,

Appellants,

783 vs.

Michael J. Murphy, as Acting Industrial Commissioner of the State of New York, and James R. Knowlson.

Appeal from the Supreme Court of the State of New York, Appellate Division, Third Department.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Appellate Division, Third Department, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Lake Tankers Corporation,

Appellant,

813 vs.

Michael J. Murphy, as Acting Industrial Commissioner of the State of New York, and Jamel Sheredos.

Appeal from the Supreme Court of the State of New York, Appellate Division, Third Department.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Appellate Division, Third Department, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

H. W. Kelley, et al., Petitioners, vs. Everglades Drainage District. — Order allowing certiorari.

935

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

H. W. Kelley, et al., Petitioners, vs. Everglades Drainage District. — On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

935

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated without costs to either party in this Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida for appropriate action in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Black.

Max Stephan,

—— vs.

The United States.

ON CONSIDERATION of the application for the allowance of an appeal herein from the District Court of the United States for the Eastern District of Michigan,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

IT IS FURTHER ORDERED that the stay of execution heretofore granted in this cause be, and the same is hereby, vacated.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Ex parte Lawrence McClain,

Petitioner.

——.

ON CONSIDERATION of the application submitted herein by Lawrence McClain,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Gene McCann,

Petitioner.

——.

ON CONSIDERATION of the application dated March 16, 1943, submitted herein by Gene McCann.

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Leslie Williams and Joe Bennett,

Petitioners,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied, without prejudice to an application to the state courts in conformity to the opinion of the Supreme Court of Nebraska in Williams v. Olson, decided March 26, 1943.

Per Mr. Chief Justice Stone.

Consumers Import Co., Inc., et al.,

Petitioners,

881 vs.

Kabushiki Kaisha Kawasaki Zosenjo, et al

ON CONSIDERATION of the motion to enlarge the scope of the argument in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Leroy Smith,

Petitioner,

1015 vs.

Louisiana & Arkansas Railway Company.

ON CONSIDERATION of the motion to extend the time within which to file respondent's brief in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including June 16, next.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

1021 vs.

Bausch & Lomb Optical Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Soft Lite Lens Company, Inc., et al.,

Appellants,

1028 vs.

The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The Mercoid Corporation,

Petitioner,

973 vs.

Mid-Continent Investment Company and Minneapolis-Honeywell Regulator Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Mercoid Corporation, Order allowing certiorari.

Petitioner,

974 vs.

Mid-Continent Investment Company and Minneapolis-Honeywell Regulator Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Atlantic Refining Company, Owner of the Tank Steamship "Bohemian Club", Order allowing certiorari.

Petitioner,

975 vs.

A. P. Moller, Claimant of the Motor-Vessel "Laura Maersk".

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue, Order allowing certiorari.

Petitioner,

972 vs.

Gooch Milling & Elevator Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Sherman L. Rumberger, Petitioner, vs. John H. Welsh, Parise Trucking Company, Inc., and Louis C. Parise. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

895

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. W. Sanders Cotton Mills, Inc., Petitioner, vs. Lula Moody. — On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

905

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clifton B. Layton, Petitioner, vs. William J. Thayne. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

936

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Gerd H. Henjes, Petitioner,

947 vs.

Aetna Insurance Company, Atlantic Mutual Insurance Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

United States Gypsum Company, Petitioner,

948 vs.

Antonio Stornelli.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Scorup-Somerville Cattle Company, Petitioner,

951 vs.

J. Lee Merrion and Russell Wilkins, Copartners Doing Business as Merrion and Wilkins.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

People of the State of Illinois, ex rel. Blanche Davidson, Carl C. Cramer and Frank W. Phillips,
Petitioners,
953 vs.
Preston Bradley, John Dill, Otto G. Beich, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Valenti,
Petitioner,
955 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. C. Patterson, et al.,
Petitioners,
960 vs.
The Texas Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Standard Dredging Corporation,
Petitioner,
964 vs.
L. Metcalf Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Kresge Department Stores, Inc.,
Petitioner,
985 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Kelley, Glover & Vale, Inc., J. J. Kelley, W. J. Glover, Jr., and Milo F. Vale,
Petitioners,
1013 vs.
Elmer W. Heitman, Receiver of First National Bank of Gary Indiana, et al.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. S. Potts, Trading as Southern Progress Publishing Company,

Petitioner,

940 vs.

Martin Dies.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Daniel F. Boone,

Petitioner,

979 vs.

Martha Lightner Boone.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

General Motors Corporation,

Petitioner,

966 vs.

Louis Larson and Edward Johnstone.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Justice Roberts.

The Chief Justice and Mr. Justice Murphy took no part in the consideration or decision of this application.

American Gas and Electric Company,

Petitioner,

969 vs.

Securities and Exchange Commission.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Roosevelt Steamship Company, Inc.,

Petitioner,

1014 vs.

Margaret M. Brady, as Administratrix, etc.

ON CONSIDERATION of the motion to use the certified record in No. 269, October Term, 1942, in considering the petition for certiorari in the above entitled case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Roosevelt Steamship Company, Inc.,

Petitioner,

1014 vs.

Margaret M. Brady, as Administratrix of the Estate of James P. Brady, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Clyde Lindsay,

Petitioner,

927 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clyde Lindsay,

Petitioner,

927 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Johnnie Johnson,

Petitioner,

990 vs.

The Warden, United States Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Johnnie Johnson,

Petitioner,

990 vs.

The Warden, United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Hugh A. Bowen,

Petitioner,

1001 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Hugh A. Bowen,

Petitioner,

1001 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Vivian Wycliff Buie,

Petitioner,

459 vs.

The United States of America.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Gretta Lafuente,

Petitioner,

566 vs.

County of Los Angeles.

A fifth petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Metropolitan-Columbia Stockholders, Inc., et al.,

Petitioners,

824 vs.

The City of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Wilbur Jackson, alias Will Jackson,

Petitioners,

847 vs.

Patrick J. Brady, Warden.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dora Brady, et al.,

Petitioners,

868 vs.

Annie Beams et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wert T. Reed and F. F. Dollert,

Petitioners,

877 vs.

Houston Oil Company of Texas et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte The United States of America,

Petitioner.

---, Original.

Motion for leave to file petition for writ of prohibition and/or writ of mandamus, together with petition for writ of certiorari, presented.

Kenneth Bender, H. H. Beckman,
et al.,

Appellants,

954 vs.

Claude R. Wickard, Individually,
etc.

Argued by Mr. William Lemke for the appellants and by Mr. Solicitor General Fahy for the appellees.

David Busey and Orville J. Richie,

Petitioners,

235 vs.

District of Columbia.

Argued by Mr. Hayden C. Covington for the petitioners and by Mr. Vernon E. West for the respondent.

- - - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, June 7, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Roy William Black, Esquire, of Madison, State of Wisconsin, and Milton Gordon, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. D. Millikin, It is ordered that Lawrence Black, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that Webster Roy Bailey, Esquire, of Visalia, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen Tuhy, Jr., It is ordered that Harold R. Zeamans, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Edward J. Reilly, Esquire, of Spokane, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles F. Wilson, It is ordered that Henry B. Weaver, Jr., Esquire, of Alexandria, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Homer Ferguson, It is ordered that Frederick G. Beattie, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herman W. Kapp, It is ordered that Irving Mandelbaum, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl B. Wixcey, It is ordered that Merrill L. Tribe, Esquire, of Ogden, State of Utah, and Matthew L. Devine, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph P. Fuchs, It is ordered that Charles L. Waugh, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward S. Shattuck, It is ordered that Roger Alton Pfaff, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clair L. Stout, It is ordered that Miller Bowman Pennell, Esquire, of Cleveland, State of Ohio, and Einar G. Carlson, Esquire, of Cleveland, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Perry W. Howard, It is ordered that William Henry Huff, Esquire, of East Chicago, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard Eugene Gilbert, It is ordered that Wm. J. Tillinghast, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Edward Lockwood, It is ordered that Robert Pusey Hastings, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James W. Wrape, It is ordered that Harold G. Hernly, Esquire, of Alexandria, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Melvin W. Sandmeyer, It is ordered that Esther Oswianza Kegan, of Chicago, State of Illinois, and Albert I. Kegan, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Meyer J. Sawyer, It is ordered that William Harris, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hector J. Spaulding, It is ordered that Thomas A. Larremore, Esquire, of Colebrook, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis M. Denit, It is ordered that Marvin B. Fitz, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that William C. Warren, Esquire, of Cleveland, State of Ohio, and Harry E. Green, Esquire, of Cleveland, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack J. Levinson, It is ordered that Jacob A. Milchin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Allen Whitfield, It is ordered that Edgar Musgrave, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. R. McGuire, It is ordered that W. G. Stathers, Esquire, of Clarksburg, State of West Virginia; Herbert M. Blair, Esquire, of Weston, State of West Virginia, and Birk S. Stathers, Esquire, of Clarksburg, State of West Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar A. Prevost, It is ordered that Norman J. Griffin, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Victor A. Sachse, It is ordered that Val Irion, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The Interstate Commerce Commission, J. M. Kurn and John G. Lonsdale, Trustees, St. Louis-San Francisco Railway Company, et al.,

Appellants,

628 vs.

Columbus and Greenville Railway Company.

Appeal from the District Court of the United States for the Northern District of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Mississippi, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Concurring opinion by Mr. Justice Douglas in which Mr. Justice Black, Mr. Justice Murphy, and Mr. Justice Rutledge join.

Daniel P. Boone,

Petitioner,

698 vs.

Clarence M. Lightner, Theodore A. Lightner, Mrs. Alice Lightner Hopf, et al.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Black.

Virginia Electric and Power Company,

Petitioner,

709 vs.

National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Murphy.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts in which the Chief Justice and Mr. Justice Jackson join.

Virginian Hotel Corporation of Lynchburg,

Petitioner,

766 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Murphy, and Mr. Justice Jackson join.

Dissenting opinion by Mr. Justice Jackson.

The United States of America, Petitioner, vs. William R. Johnson. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

4

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for proper disposition in accordance with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Roberts concurs in part and dissents in part.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this case.

The United States of America, Petitioner, vs. Jack Sommers, James A. Hartigan, John M. Flanagan, et al. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

5

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for proper disposition in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that the writ of certiorari in this cause as to John M. Flanagan be, and the same is hereby, dismissed.

Per Mr. Justice Frankfurter.

Mr. Justice Roberts concurs in part and dissents in part.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this case.

The United States of America,
Appellant,
vs.
919
Rigel O. Belt, Clinton Robb, Trustee, Arthur B. Campbell, Trustee, et al.

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the judgment of the said District Court in this cause be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said District Court so that it may enter a new judgment from which the United States may, if it wishes, perfect a timely appeal to the United States Court of Appeals for the District of Columbia.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice Douglas and Mr. Justice Murphy.

Homer Lester Bartchy, alias Homer Brooks,
Petitioner,
vs.
762
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Texas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts joins.

L. McLeod,

Petitioner,

787 vs.

M. C. Threlkeld, et al., Doing Business as Threlkeld Commissary Company, a Partnership.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed without costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Texas.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge join.

County of Mahnomen, a Municipal Corporation,

Petitioner,

684 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Minnesota for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Frankfurter and Mr. Justice Rutledge concur in the result.

Dissenting opinion by Mr. Justice Murphy.

Frank Tot, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

569

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Black in which Mr. Justice Douglas joins.

The United States of America, Petitioner, vs. Frank Delia. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

636

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan.

Per Mr. Justice Roberts.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Black in which Mr. Justice Douglas joins.

- - - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Ex parte The United States of America,

Petitioner.

On motion for leave to file petition for writ of prohibition and/or mandamus and for a writ of certiorari.

15, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition and/or mandamus and for a writ of certiorari, it is ordered and adjudged by this Court as follows: The motion for leave to file the petition for writ of certiorari is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit is granted. The order of that court of May 3, 1943, denying for want of jurisdiction--which is construed to mean want of power to consider on the merits--the Government's motion for leave to file a petition for a writ of prohibition and/or a writ of mandamus, is vacated on the authority of Ex parte United States, 287 U. S. 241, 248-9, Ex parte Republic of Peru, 318 U. S. ——, and Roche v. Evaporated Milk Assn., 318 U. S. ——. The cause is remanded to the Circuit Court of Appeals for further proceedings not inconsistent with this opinion. Other relief sought by the Government in its application to this Court is denied, without prejudice to an application to the Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

Ex parte The United States of America,

Petitioner.

Order allowing certiorari.

15, Original.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Kenneth Bender, H. H. Beckman, Clyde P. Snodgrass and Alfred Lindauer,

Appellants,

954 vs.

Claude R. Wickard, Individually and as Secretary of Agriculture of the United States of America.

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - - -

O R D E R

It is ordered that paragraph 1 of Rule 36 of the Rules of this Court be and the same hereby is amended by adding as the first sentence thereof the following:

"An appeal will be out of time unless, within the period fixed by statute, application for allowance is presented to the judge or justice who allows it. A prior timely application to another judge or justice does not extend the statutory period. See Matton Steamboat Co., Inc. v. Murphy, 319 U. S. ——."

Per Mr. Chief Justice Stone.

Ex parte Joseph A. Zohn,

Petitioner.

——.

ON CONSIDERATION of the application submitted herein by Joseph A. Zohn,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Harry Duncombe,

Petitioner.

---.

ON CONSIDERATION of the application submitted herein by Harry Duncombe,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Pauline Stevens,

Petitioner.

---.

ON CONSIDERATION of the application submitted herein by Pauline Stevens,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Chesteen McConnell,

Petitioner.

---, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice on the ground that it does not appear that all the matters alleged in the petition have been previously presented to the state courts of Indiana.

Per Mr. Chief Justice Stone.

Ex parte Charles Cassidy,

Petitioner.

---, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Wallace H. Welch,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Ex parte George Foley,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to the pending application in the District Court.

Per Mr. Chief Justice Stone.

Ex parte Peter J. Innes,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application to the District Court.

Per Mr. Chief Justice Stone.

Louis Buchalter,

Petitioner,

606 vs.

People of the State of New York.

Emanuel Weiss,

Petitioner,

610 vs.

People of the State of New York.

Louis Capone,

Petitioner,

619 vs.

People of the State of New York.

It is ordered by the Court that the order heretofore entered on March 15, 1943, staying the execution and enforcement of the sentences of death imposed upon the petitioners in these cases be, and the same is hereby, vacated, and that the mandates in these cases issue forthwith.

Per Mr. Chief Justice Stone.

Crescent Express Lines, Inc.,

Appellant,

1030 vs.

The United States of America et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Joseph E. Snowden, Order allowing certiorari.

Petitioner,

991 vs.

Edward J. Hughes, Louie E. Lewis and Robert E. Straus, et al., etc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Ford Motor Company, Order allowing certiorari.

Petitioner,

945 vs.

Gordon Form Lathe Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, limited to the first question presented by the petition.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Ford Motor Company, Order allowing certiorari.

Petitioner,

946 vs.

Gordon Form Lathe Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, limited to the first question presented by the petition.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Lonnie E. Smith, Order allowing certiorari.

Petitioner,

949 vs.

S. E. Allwright, Election Judge, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shal be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Lonnie E. Smith,

Petitioner,

949 vs.

S. E. Allwright, Election Judge, et al.

ON CONSIDERATION of the motion of the American Civil Liberties Union for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The Mercoid Corporation, Order allowing certiorari.

Petitioner,

994 vs.

Minneapolis-Honeywell Regulator Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is assigned for argument immediately following Nos. 973 and 974.

AND IT IS FURTHER ORDERED that the duly certified copy of th transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Mercoid Corporation, Order allowing certiorari.

Petitioner,

995 vs.

Minneapolis-Honeywell Regulator Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is assigned for argument immediately following Nos. 973, 974, and 994.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mike Marvich,

Petitioner,

997 vs.

The People of the State of California and Clyde I. Plummer, Warden, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mike Marvich, Order allowing certiorari.

Petitioner,

997 vs.

The People of the State of California and Clyde I. Plummer, Warden, et al.

The petition herein for a writ of certiorari to the Supreme Court of the State of California is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

R. Simpson & Co., Inc., Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

419

A motion for leave to file a petition for rehearing and petition for rehearing having been submitted in this case;

Upon consideration thereof, it is ordered by this Court that the motion for leave to file and petition for rehearing be, and the same are hereby, granted.

And it is further ordered that the order denying certiorari, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted, limited to the question presented by the second reason relied upon in the petition for writ of certiorari. In their briefs and on the oral argument, counsel are requested to discuss the question of the jurisdiction of this Court to grant a petition for rehearing in this case. Cf. Helvering v. Northern Coal Co., 293 U. S. 191, section 1140 of the Internal Revenue Code.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

The Indians of California, Claimants, by U. S. Webb, Attorney General of the State of California, Petitioners, vs. The United States. — On petition for writ of certiorari to The Court of Claims.

866

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert H. Meade,

Petitioner,

956 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Binkley Mining Company of Missouri,

Petitioner,

970 vs.

Dan H. Wheeler, Acting Director Bituminous Coal Division, Department of the Interior, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Binkley Mining Company of Missouri,

Petitioner,

971 vs.

Dan H. Wheeler, Acting Director Bituminous Coal Division, Department of Interior, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Cleveland Trust Company and the Central National Bank of Cleveland, Ohio,

Petitioners,

988 vs.

Michael George Stoller.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Gordon Form Lathe Company,

Petitioner,

989 vs.

Ford Motor Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

N. O. Nelson Company,

Petitioner,

992 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Petticrew Real Estate Company, Bankrupt,

Petitioner,

1000 vs.

Harry Muffler, as Receiver of the Petticrew Real Estate Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Keal Driveway Company and R. S. Bunnell,

Petitioners,

1004 vs.

Car and General Insurance Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Elizabeth B. Winston,

Petitioner,

1007 vs.

Russell B. Martin, Fred S. Martin, Irwin E. Martin and John J. Martin, Partners Trading as Martin Brothers.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Michael Dubina,
Petitioner,
1041 vs.
People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

S. J. Groves & Sons Company,
Petitioner,
977 vs.
Lindsay C. Warren, Comptroller General of the United States.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari to the United States Court of Appeals for the District of Columbia and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Nathan M. Lubar, Trustee for District Finance Corporation,
Petitioner,
1003 vs.
Harry Hartman.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

District of Columbia,
Petitioner,
1006 vs.
The Queen City Brewing Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

W. K. Archer and Ercell G. Westfall, Co-partners doing Business as W. K. Archer and Company,
Petitioners,
1005 vs.
Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Brooklyn Trust Company, as Trustee of a Trust Created in and by the Will of Susanna E. Coffin, Deceased,
Petitioner,
1008 vs.
Charles H. Kelby and Clifford S. Kelsey, (as Trustee of the Debtor: Prudence-Bonds Corporation (New Corporation), et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Charles Cassidy,
Petitioner,
1053 vs.
The State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pedro E. Sanchez Tapia,
Petitioner,
910 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Pedro E. Sanchez Tapia,
Petitioner,
910 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ben White, Arch Robinson, Lee Wells, et al.,

Petitioners,

981 vs.

The United States.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Cout that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ben White, Arch Robinson, Lee Wells, et al.,

Petitioners,

981 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Burall,

Petitioner,

987 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Louis Burall,
Petitioner,
987 vs.
James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

James N. Slaughter,
Petitioner,
1032 vs.
Bertha Madison, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James N. Slaughter,
Petitioner,
1032 vs.
Bertha Madison, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Fred Jones,

Petitioner,

1066 vs.

Joseph H. Brophy, as Warden of Auburn Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Fred Jones,

Petitioner,

1066 vs.

Joseph H. Brophy, as Warden of Auburn Prison.

On petition for writ of certiorari to the Supreme Court of New York, Appellate Division.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of New York, Appellate Division, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Kendrick,

Petitioner,

998 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Kendrick,

Petitioner,

998 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

James Allen, alias James Robert Allen, alias J. R. Allen, alias The Allen Plan Society,

Petitioner,

1034 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Allen, alias James Robert Allen, alias J. R. Allen, alias The Allen Plan Society,

Petitioner,

1034 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Wallace H. Welch and Erma G. Welch,

Petitioners,

1002 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Wallace H. Welch and Erma G. Welch,

Petitioners,

1002 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Benjamin McNabb et al.,

Petitioners,

25 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or disposition of this motion.

Benjamin McNabb, et al.,

Petitioners,

25 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied. As the case is for retrial in the District Court, it will be open to all parties to adduce all evidence relevant to the admissibility of the confessions, whether adduced in the previous trial or not.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or disposition of this application.

Standard Oil Company (Indiana),

Petitioner,

512 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Rutledge took no part in the consideration or decision of this motion.

Standard Oil Company (Indiana),

Petitioner,

512 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Gaetano Ajello,

Petitioner,

517 vs.

Pan American Airways Corporation et al.

A third petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph E. Jones,

Petitioner,

764 vs.

Hon. Francis Biddle, Attorney General of the United States.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION of all the papers filed in this case, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. S. Cameron,

Petitioner,

961 vs.

J. P. Gordon.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Whitney Bowles,

Petitioner,

589 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harvey S. Cover,

Petitioner,

906 vs.

Nathan Schwartz, Doing Business as Hygeia Respirator Co.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

O R D E R

The Court will take a recess from today until Monday, June 14 upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, June 14 next, at 12 o'clock.

MONDAY, JUNE 14, 1943.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Lawrence Vold, Esquire, of Lincoln, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse P. Wolcott, It is ordered that John J. Ryan, Esquire, of Huntington, State of New York, and Dow W. Harter, Esquire, of Akron, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ed . Gossett, It is ordered that Joe L. Mays, Esquire, of San Angelo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Donnelly, It is ordered that Leonard P. Walsh, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Felix A. Bodovitz, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. Meriwether Smith, It is ordered that John Edward Keefe, Jr., Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Freidson, It is ordered that Samuel Brian Groner, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph K. Carson, Jr., It is ordered that Howard Taylor McCulloch, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, It is ordered that Caribel Finger Sternbergh, of Gainesville, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Albert E. Steinem, It is ordered that Matthew L. Bigger, Esquire, of Columbus, State of Ohio, and Benj. P. Levinson, Esquire, of Columbus, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Osmer C. Fitts, It is ordered that Clarence G. Strop, Esquire, of Saint Joseph, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew M. Henderson, It is ordered that Hugh H. MacDonald, Esquire, of Los Angeles, State of California, and Charles P. Henderson, Esquire, of Youngstown, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Clifford Bowman, It is ordered that Stanley A. Silversteen, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph A. Cusick, It is ordered that William M. Young, Esquire, of Harrisburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Kirkham Jackson, It is ordered that Gilbert Kerlin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Direct Sales Company, Petitioner, vs. The United States of America. 593

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of South Carolina.

Per Mr. Justice Rutledge.

Bertha A. Owens, Executrix of the Estate of Leyle F. Owens, Deceased,

Petitioner,

580 vs.

Union Pacific Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Reed in which the Chief Justice and Mr. Justice Roberts join.

The West Virginia State Board of Education, etc., et al.,

Appellants,

591 vs.

Walter Barnette, Paul Stull and Lucy McClure.

Appeal from the District Court of the United States for the Southern District of West Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of West Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Jackson.

Dissenting: Mr. Justice Roberts and Mr. Justice Reed.

Concurring opinion by Mr. Justice Black and Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Frankfurter.

The Interstate Commerce Commission, The Baltimore and Ohio Railroad Company, The New York Central Railroad Company, et al.,

Appellants,

175 vs.

Inland Waterways Corporation, Cargill, Incorporated, Norris Grain Company, et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

It is further ordered that the appellants in this Court, except the Interstate Commerce Commission, recover their taxable costs in this Court from the appellees herein, except the Secretary of Agriculture of the United States.

Per Mr. Justice Jackson.

Mr. Justice Rutledge did not participate in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.

Interstate Transit Lines,

Petitioner,

552 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Jackson in which the Chief Justice and Mr. Justice Murphy join.

Oklahoma Tax Commission of the State of Oklahoma,

Petitioner,

623 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Oklahoma for further proceedings consistent with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Douglas concurs in the result.

Opinion by Mr. Justice Murphy dissenting in part in which the Chief Justice, Mr. Justice Reed and Mr. Justice Frankfurter join.

Oklahoma Tax Commission of the State of Oklahoma,

Petitioner,

624 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Oklahoma for further proceedings consistent with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Douglas concurs in the result.

Opinion by Mr. Justice Murphy dissenting in part in which the Chief Justice, Mr. Justice Reed and Mr. Justice Frankfurter join.

Oklahoma Tax Commission of the State of Oklahoma,

Petitioner,

625 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Oklahoma for further proceedings consistent with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Douglas concurs in the result.

Opinion by Mr. Justice Murphy dissenting in part in which the Chief Justice, Mr. Justice Reed and Mr. Justice Frankfurter join.

R. E. Taylor,

Appellant,

826 vs.

The State of Mississippi.

Appeal from the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Betty Benoit, Appellant, vs. The State of Mississippi. — Appeal from the Supreme Court of the State of Mississippi.

827

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Clem Cummings, Appellant, vs. The State of Mississippi. — Appeal from the Supreme Court of the State of Mississippi.

828

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

David Busey and Orville J. Richie, Petitioners, vs. District of Columbia. — On writ of certiorari to the United States Court of Appeals for the District of Columbia.

235

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, vacated WITH COSTS; ~~without costs to either party in this Court;~~ and that this cause be, and the same is hereby, remanded to the said Court of Appeals to enable it to reexamine its rulings on the construction and validity of the District ordinance in the light of the decisions of this Court in the cases of Jones vs. Opelika, and Murdock v. Pennsylvania, decided May 3, 1943.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

Harold E. Cole,

Appellant,

892 vs.

Abel J. Violette, Alfred Vervill, Frederick W. Lawson, et al.

Appeal from the Superior Court of Suffolk County, Commonwealth of Massachusetts.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of Suffolk County, Commonwealth of Massachusetts, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed on the ground that it was not applied for within the time provided by law.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice announced the following order of the Court:

- - - - - - - - - - - -

The Washington Terminal Company, Petitioner, vs. F. E. Boswell, E. R. Burkhead, R. R. Bridges, et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

28

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbi and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by thi Court that the judgment of the said United States Court of Appeals, in thi cause, be, and the same is hereby, affirmed with costs by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this case.

- - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orall

- - - - - - - - - - - -

In the Matter of Leonard S. Levin.

—.

O R D E R

Leonard S. Levin, of Brookline, Massachusetts, having resigned as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Stone.

Ex parte D. Pavel Piala,

Petitioner.

——.

ON CONSIDERATION of the application submitted herein by D. Pavel Piala,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied for the want of original jurisdiction.

Per Mr. Chief Justice Stone.

Ex parte Joseph Greco,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William J. White,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John Russell Miller,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mike Marvich,

Petitioner,

997 vs.

The People of the State of California et al.

O R D E R

It is ordered that Neil Burkinshaw, Esq., of Washington, D.C., a member of the bar of this Court, be and he is hereby, appointed to serve as counsel for the petitioner in this case.

Per Mr. Chief Justice Stone.

The United States,

Petitioner,

1058 vs.

Algernon Blair, Individually, etc.

ON CONSIDERATION of the motion as to the printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted but without prejudice to the respondent's right to call attention to any matter appearing in the unprinted parts of the record.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

1048 vs.

Frank Laudani.

ON CONSIDERATION of the motion to extend the time for filing brief of respondent in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including July 22.

Per Mr. Chief Justice Stone.

Hugh A. Bowen,

Petitioner,

1001 vs.

The United States of America.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the time be extended to and including July 15.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

1043 vs.

Charles A. Gaskins.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Charles M. Thomson, as Trustee, etc.,

Appellant,

1047 vs.

The United States of America et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Harold L. Ickes, Secretary of the Interior and Dan H. Wheeler, Director of the Bituminous Coal Division of the Department of the Interior,

Petitioners,

1010 vs.

Associated Industries of New York State, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

John V. Dobson,

Petitioner,

930 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

E. W. Dobson,

Petitioner,

931 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Estate of James N. Collins, Deceased, First National Bank and Trust Company of Minneapolis, Executor,

Petitioner,

932 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

H. J. Harwick,

Petitioner,

933 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

1027 vs.

S. B. Heininger.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Cafeteria Employees Union, Local 302, and William Mesevich,

Petitioners,

903 vs.

Gus Angelos, John Harris, Lucas Harris, et al.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

Upon consideration thereof, it is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

It is further ordered that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

It is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Cafeteria Employees Union Local 302, and William Mesevich,
Petitioners,
904 vs.
Elias Tsakires, Kallis Constantinon, Christ Lymbouris, et al.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

Upon consideration thereof, it is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

It is further ordered that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

It is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Colgate-Palmolive-Peet Company,
Petitioner,
907 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

Upon consideration thereof, it is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

It is further ordered that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted, and the case is transferred to the summary docket.

It is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Colgate-Palmolive-Peet Company, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

908

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

Upon consideration thereof, it is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

It is further ordered that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted, and the case is transferred to the summary docket.

It is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Jose Cases Velazquez, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

713

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Esmond Mills, et al., Petitioners, vs. Guy T. Helvering, Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

865

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Kennedy Laundry Company,
Petitioner,
958 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

John M. Whelan & Sons, Inc., (Claimant),
Petitioner,
983 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City and County of San Francisco, (a Municipal Corporation),

Petitioner,

999 vs.

Dan E. Williams and Lydia C. Williams (His Wife) Domingo De Bernardi, et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Amtorg Trading Corporation, Vresojunznoje Objedinenije "Stankoimport", et al.,

Petitioners,

1017 vs.

American Foreign Steamship Corporation, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

L. A. Wells Construction Company,

Petitioner,

1018 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

1019 vs.

T. Buettner and Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

North Kansas City Development Company, North Kansas City Bridge and Railroad Company, et al.,

Petitioners,

1020 vs.

Chicago, Burlington & Quincy Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The State of Maine,

Petitioner,

1022 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Benjamin Maltz, an Individual Doing Business as Excell Manufacturing Company,

Petitioner,

vs.

George D. Sax, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1023

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Harry Becker,

Petitioner,

vs.

Loew's, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

1024

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

State of Montana,

Petitioner,

vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

1025

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

C. P. A. Company,
Petitioner,
1026 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ferdinand A. Kertess and Chemical Marketing Company, Incorporated,
Petitioners,
1029 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Travelers Insurance Company,
Petitioner,
1031 vs.
John I. Magill, Conservator of Roy A. McClintic, a Person of Unsound Mind.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Paul Douchan,

Petitioner,

1033 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Arthur E. Steiner,

Petitioner,

1037 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Oskar Tiedemann and Estonian State Steamship Line,

Petitioners,

1038 vs.

Estoduras Steamship Company, Inc., Claimant of the Steamship "Florida" (Formerly the "Signe").

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Alfred S. Davis, as Treasurer of Retail Shoe Salesmen's Union, Local 1115-P, R.C.I.P.A., etc., et al.,

Petitioners,

1042 vs.

Dinny & Robbins, Inc.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kurt Emil Bruno Molzahn,

Petitioner,

1052 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Benquet Consolidated Mining Company,

Petitioner,

968 vs.

Idonah Slade Perkins, Samuel I. Hartman, as Receiver, Hartford Beaumond and George A. Ferris.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

The United States of America,

Petitioner,

637 vs.

William Minski.

ON CONSIDERATION of the motion of the respondent for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

637 vs.

William Minski.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William Elliott,

Petitioner,

967 vs.

Jess Buchanan, Warden of the State Penitentiary at Eddyville, Kentucky, and the Commonwealth of Kentucky.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Elliott,

Petitioner,

967 vs.

Jess Buchanan, Warden of the State Penitentiary at Eddyville, Kentucky, and the Commonwealth of Kentucky.

On petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the Commonwealth of Kentucky, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. V. Davis,

Petitioner,

608 vs.

The State of Arizona.

On petition for writ of certiorari to the Supreme Court of the State of Arizona.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arizona, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied on the ground that the judgment below rested on a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

Armin Ellerbrake,

Petitioner,

996 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Armin Ellerbrake,

Petitioner,

996 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Clyde Arwood,

Petitioner,

1009 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clyde Arwood,

Petitioner,

1009 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Joseph A. Farrell,

Petitioner,

1077 vs.

Francis J. W. Lanagan, Warden of the State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph A. Farrell,

Petitioner,

1077 vs.

Francis J. W. Lanagan, Warden of the State Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Leo S. Holmes,

Petitioner,

943 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Leo S. Holmes,

Petitioner,

943 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

J. B. Wheat et al.,

Petitioners,

710 vs.

Texas Land and Mortgage Company, Limited et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lyman Pleniken and Mrs. Lyman Pleniken,

Petitioners,

938 vs.

Great American Indemnity Company et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte David H. Johnson,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher,

Petitioner,

869 vs.

The Evening Star Newspaper Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Joseph E. Jones,

Petitioner,

764 vs.

Hon. Francis Biddle, Attorney General of the United States.

A third petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

ORDER

The Court will take a recess from today until Monday, June 21, upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, June 21, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Kenneth C. Royall, It is ordered that John D. Langston, Esquire, of Goldsboro, State of North Carolina, and Roscoe S. Conkling, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Johnson, It is ordered that Thomas A. Joyner, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilbur La Roe, Jr., It is ordered that Leander I. Shelley, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Morris W. Needlman, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Osmer C. Fitts, It is ordered that Edgar K. Markley, Esquire, of Gettysburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Houston, It is ordered that Scovel Richardson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Freidson, It is ordered that Irvin M. Lichtenstein, Esquire, of Camden, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William P. Weigester, It is ordered that Paul R. Ames, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David C. Colladay, It is ordered that Joseph Nemerov, Esquire, of New York, State of New York, and George Gussaroff, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that Maurice J. Dix, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Rogers, It is ordered that Fred W. Morrison, Esquire, of Spencer, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

William Schneiderman,

Petitioner,

2 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Concurring opinion by Mr. Justice Douglas.
Concurring opinion by Mr. Justice Rutledge.
Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Frankfurter join.
Mr. Justice Jackson did not participate in the consideration or decision of this case.

Marconi Wireless Telegraph Company of America,

Petitioner,

369 vs.

The United States,

The United States,

Petitioner,

373 vs.

Marconi Wireless Telegraph Company of America.

On writs of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the part of the judgment of the Court of Claims under review on the petition of the Marconi Wireless Telegraph Company be, and the same is hereby, affirmed, and that the part of the judgment under review on the petition of The United States be, and the same is hereby, vacated.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the Court of Claims for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Opinion by Mr. Justice Frankfurter dissenting in part in which Mr. Justice Roberts joins.

Opinion by Mr. Justice Rutledge dissenting in part.

Gordon Kiyoshi Hirabayashi, Appellant, vs. The United States of America. 870

On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

This Court having ordered the entire record and cause certified to this Court, this cause came on to be heard on the certificate and transcript of the record from the Circuit Court of Appeals for the Nin Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by thi Court that the judgment of the District Court of the United States for the Western District of Washington in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Chief Justice Stone.

Concurring opinion by Mr. Justice Douglas.
Concurring opinion by Mr. Justice Murphy.
Concurring opinion by Mr. Justice Rutledge.

Minoru Yasui, Appellant, vs. The United States of America. 871

On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

This Court having ordered the entire record and cause certified to this Court, this cause came on to be heard on the certificate and transcript of the record from the Circuit Court of Appeals for the Nin Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court as follows: The conviction is sustained but the judgment of the District Court for the District of Oregon is vacated and the cause is remanded to the said District Court for resentence of appellant, and to afford that court opportunity to strike its findings as to appellant's loss of United States citizenship.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

The Jack Lincoln Shops, Inc., Appellant,

vs.

State Dry Cleaners' Board, Everett Bryant, Ava Powell and J. C. Hardin, Members of said Board, etc., et al.

Appeal from the Supreme Court of the State of Oklahoma.

1056

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Milton Prebyl, Appellant,

vs.

The Prudential Insurance Company of America et al.

1064

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Milton Prebyl, Appellant, vs. The Prudential Insurance Company of America et al. — Appeal from the Supreme Court of the State of Nebraska.

1064

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this case.

Milton Prebyl, Appellant, vs. The Prudential Insurance Company of America et al. — Appeal from the Supreme Court of the State of Nebraska.

1064

TREATING the appeal papers from the Supreme Court of the State of Nebraska as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, it is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this case.

In re Disbarment of George S. Wolbert.

---.

O R D E R

It having been reported to the Court that George S. Wolbert, of Philadelphia, Pennsylvania, has been disbarred from the practice of the law by the Supreme Court of the Commonwealth of Pennsylvania;

It is ordered that the said George S. Wolbert, be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Stone.

Ex parte Warren Wockner,

Petitioner.

---.

ON CONSIDERATION of the application submitted herein by Warren Wockner,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Ex parte Wolfgang Achtner,

Petitioner.

---.

ON CONSIDERATION of the application submitted herein by Wolfgang Achtner,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied without prejudice to application to the District Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Ex parte Franz Moedlhammer,

Petitioner,

—.

ON CONSIDERATION of the application submitted herein by Franz Moedlhammer,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied without prejudice to application to the District Court.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Milton Roe Sabin et al.,

Appellants,

— vs.

A. L. Levorsen et al.

ON CONSIDERATION of the motion for a stay of the mandate of the Supreme Court of the State of Oklahoma,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Ex parte Earl Collins,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Ex parte Joseph E. Sheppard,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Virginian Hotel Corporation of Lynchburg,

Petitioner,

766 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

It is ordered that the mandate of this Court be withheld and that the time within which to file a petition for rehearing be extended to and including September 1, next.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Kennedy Laundry Company,

Petitioner,

958 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

ON CONSIDERATION of the motion to withhold the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

E. V. Davis,

Petitioner,

608 vs.

The State of Arizona.

It is ordered that the order of this Court denying a petit for writ of certiorari in this case be, and the same is hereby, recalled, and the time within which to file a petition for rehearing is extended to and including September 1, next.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

1068 vs.

Jacob Hark and Hyman Yaffee, Co-partners, etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

City of Yonkers et al.,

Appellants,

1101 vs.

The United States of America et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this question.

City of Yonkers et al.,

Appellants,

1101 vs.

The United States of America et al.

ON CONSIDERATION of the motion of the City of Yonkers and John W. Tooley, Jr., as President of Committee of Yonkers Commuters, for an order staying the operation, execution and enforcement of the certificate and order of the Interstate Commerce Commission dated March 20, 1943 in Finance Docket 13914, as extended by its orders dated April 19, 1943 and May 26, 1943, pending the hearing and determination of the appeal in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this motion.

Ford Motor Company,

Petitioner,

945 vs.

Gordon Form Lathe Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

This Court on June 7 having granted certiorari in this case limited to the first question presented by the petition, and counsel for petitioner having filed a petition for rehearing to broaden the scope of review;

On consideration whereof, it is ordered by this Court that the petition for rehearing be, and the same is hereby, granted. The order entered June 7 is vacated, and the petition for writ of certiorari herein is granted.

It is further ordered that the duly certified copy of the transcript of record which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Ford Motor Company, Petitioner, vs. Gordon Form Lathe Company. 946

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

This Court on June 7 having granted certiorari in this case limited to the first question presented by the petition, and counsel for petitioner having filed a petition for rehearing to broaden the scope of review;

On consideration whereof, it is ordered by this Court that the petition for rehearing be, and the same is hereby, granted. The order entered June 7 is vacated, and the petition for writ of certiorari herein is granted.

It is further ordered that the duly certified copy of the transcript of record which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Nick Palbo, Petitioner, vs. The United States of America. 1055

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Estate of Henry H. Rogers, Deceased, Adrian H. Larkin, et al., Executors,

Petitioners,

1036 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

J. I. Case Company,

Petitioner,

1039 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. Counsel are requested to discuss in their briefs and on oral argument the question whether the case is moot.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Oliver A. Miller, Doing Business as Miller Motor Freight Service and Irwin Rupp,

Petitioners,

1035 vs.

James B. Bates.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edgar B. Davis, Petitioner, vs. Commonwealth of Massachusetts. — On petition for writ of certiorari to the Supreme Court of the State of Texas.

1040

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

First National Benefit Society, Petitioner, vs. W. P. Stuart, Collector of Internal Revenue for the District of Arizona. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

1045

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Durable Toy & Novelty Corp., Petitioner, vs. J. Chein & Co., Inc. and F. W. Woolworth Co. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1046

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

G. J. Nikolas, G. J. Nikolas & Company, Inc., Harry Foote and Heitman Trust Company,

Petitioners,

1049 vs.

W. D. Witter.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Order of United Commercial Travelers of America,

Petitioner,

1050 vs.

Ella Moore.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Raffael Greco, Petitioner, vs. The United States of America.

1054

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Charles H. Guyton, Petitioner, vs. The United States of America.

1070

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Leroy Smith, Petitioner, vs. Louisiana & Arkansas Railway Company.

1015

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of opinion that certiorari should be granted.

Bernard Kushner, Petitioner, vs. The United States of America. 1069

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Lawrence Edwin Arnold, Petitioner, vs. The United States of America. 1081

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Harry Edward Farris, Petitioner, vs. Commonwealth of Virginia. 1082

On petition for writ of certiorari to the Hustings Court of the City of Richmond, Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Hustings Court of the City of Richmond, Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Perry Prame,

Petitioner,

1085 vs.

Milton F. Amrine, Warden, Kansas State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Perry Prame,

Petitioner,

1085 vs.

Milton F. Amrine, Warden, Kansas State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Joseph E. Sheppard,

Petitioner,

1099 vs.

Commonwealth of Massachusetts.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

PER Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Roberts took no part in the consideration or decision of this application.

Joseph E. Sheppard,

Petitioner,

1099 vs.

Commonwealth of Massachusetts.

ON CONSIDERATION of the motion for a stay of execution in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Roberts took no part in the consideration or decision of this application.

Joseph E. Sheppard,

Petitioner,

1099 vs.

Commonwealth of Massachusetts.

On petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Judicial Court of the Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas and Mr. Justice Roberts took no part in the consideration or decision of this application.

Corinne C. Waterman,

Petitioner,

226 vs.

Colonel Somervell et al.

A third petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts, Mr. Justice Douglas and Mr. Justice Rutledge took no part in the consideration or decision of this application.

G. E. Burford et al.,

495 Petitioners,

vs.

Sun Oil Company et al.; and

Sun Oil Company et al.,

Petitioners,

496 vs.

G. E. Burford et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said ptition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Joseph Galloway, by Freda Galloway,
His Guardian,

Petitioner,

553 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Irene M. Watson, Grace Banks et al.,

Petitioners,

939 vs.

Paul Caspers.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

J. C. Patterson et al.,

Petitioners,

960 vs.

The Texas Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Joseph Mescall,

Petitioner,

962 vs.

W. T. Grant Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

James Allen, alias James Robert Allen, etc.,

Petitioner,

1034 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

O. L. Hastings et al.,

Petitioners,

528 vs.

Selby Oil & Gas Company et al.

A petition for rehearing having been filed in this case, by counsel for respondents,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

O. L. Hastings, et al.,

Petitioners,

528 vs.

Selby Oil & Gas Company et al.

A petition for rehearing having been filed in this case, by counsel for petitioners O. L. Hastings and C. F. Dodson.

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

H. W. Kelley et al.,

Petitioners,

935 vs.

Everglades Drainage District.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

United States Gypsum Company,

Petitioner,

948 vs.

Antonio Stornelli.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Metropolitan-Columbia Stockholders, Inc., et al.,

Petitioners,

824 vs.

The City of New York.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

- - - - - - - - - - - -

The Chief Justice announced the following order of the Court:

- - - - - - - - - - - -

O R D E R

All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

IT IS ORDERED BY THIS COURT that all cases on the docket be, and they hereby are, continued to the next term.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned to the time and place appointed by law.

VOL

19

UME

43

MINUTES OF THE SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, 1943.

At the Supreme Court Building, in the City of Washington, and District of Columbia, being the present Seat of the National Government of the United States, on the first Monday in October (being the 4th day of the same month) in the year of our Lord one thousand, nine hundred and forty-three and of the independence of the United States the one hundred and sixty-eighth, The Supreme Court of the United States met agreeably to law.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Barkley L. Clanahan, Esquire, of Springfield, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that James M. Vaughan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Kenneth G. Speir, Esquire, of Newton, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that Louis E. Starr, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh B. Cox, It is ordered that Joseph V. Lane, Jr., Esquire, of New York, State of New York, and Adrian C. Leiby, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elisha Hanson, It is ordered that Arthur B. Hanson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George E. Kirk, It is ordered that Hugh A. Kirk, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lewis Smith, Jr., It is ordered that Seton Towns Holsey, Esquire, of Corsicana, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben S. Fisher, It is ordered that Glen H. Munkelt, Esquire, of San Diego, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that Louis J. Merrell, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that William Haywood Daggett, Esquire, of Marianna, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude Pepper, It is ordered that Chas. H. Murchison, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Loton Wells, It is ordered that Edward Plam, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lloyd W. Patch, It is ordered that A. Trevor Jones, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel S. Murph, It is ordered that Walter R. Gray, Esquire, of Greeneville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest R. Mortenson, It is ordered that William Burbridge Brown, Esquire, of Chillicotte, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Yates Dowell, It is ordered that William Wallace Cochran, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph P. McNamara, It is ordered that John J. McShane, Esquire, of Indianapolis, State of Indiana, and Winslow Van Horne, Esquire, of East Chicago, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. David R. Shelton, It is ordered that Merrick Irwin Campbell, Esquire, of Norfolk, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Marion C. Toomey, It is ordered that Lewis George Meader, Esquire, of Ann Arbor, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that Joseph Brenner, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

In re Disbarment of George B. Johnson.

It having been reported to the Court that George B. Johnson, of West Chester, Commonwealth of Pennsylvania, a member of the Bar of this Court, has been disbarred from the practice of the law in the Supreme Court of the Commonwealth of Pennsylvania; and this Court by order of May 24, 1943, having suspended the said George B. Johnson from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred; and it appearing that the said rule was issued and served upon George B. Johnson, who has not filed a return thereto, and that the time to file such return has expired;

It is ordered that the said George B. Johnson be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Stone.

In re Disbarment of George S. Wolbert.

It having been reported to the Court that George S. Wolbert, of Philadelphia, Commonwealth of Pennsylvania, a member of the Bar of this Court, has been disbarred from the practice of the law in the Supreme Court of the Commonwealth of Pennsylvania; and this Court by order of June 21, 1943, having suspended the said George S. Wolbert from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred; and it appearing that the said rule was issued and served upon George S. Wolbert, who has not filed a return thereto, and that the time to file such return has expired;

It is ordered that the said George S. Wolbert be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Stone.

The State of Kansas,

Complainant,

9, Original vs.

The State of Missouri.

Report of the Special Master presented.

A. M. Anderson, Receiver of National Bank of Kentucky, of Louisville,

Petitioner,

3 vs.

Katherine Kirkpatrick Abbott, Administratrix, etc., et al.

Motion of respondent to postpone reargument presented.

J. Oliver Hill, Administrator,
etc.,

Petitioner,

4 vs.

Francis L. Hawes, Individually,
etc.

Reported for failure to comply with the rules.

The Petersime Incubator Company, Petitioner, vs. The Bundy Incubator Company. 150

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

It appearing to the Court that counsel for the petitioner have filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the said petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, October 11, next, at 12 o'clock.

MONDAY, OCTOBER 11, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Joseph C. O'Mahoney, It is ordered that Louis J. O'Marr, Esquire, of Sheridan, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse P. Wolcott, It is ordered that Robert T. Bushnell, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Walter J. Cummings, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gail L. Ireland, It is ordered that Arthur C. Gordon, Esquire, of Lamar, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. E. Stanley, It is ordered that Eldon Wallingford, Esquire, of Topeka, State of Kansas, and A. B. Mitchell, Esquire, of Topeka, State of Kansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry C. Vidal, It is ordered that A. W. McHendrie, Esquire, of Pueblo, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Robert M. Hitchcock, Esquire, of Dunkirk, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Henry Walter, It is ordered that Walter Ragen Frizzell, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard Taylor Rives, It is ordered that John O. Harris, Esquire, of Wetumpka, State of Alabama; James W. Aird, Esquire, of Birmingham, State of Alabama, and Alexander F. Whiting, Esquire, of Montgomery, State of Alabama, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul F. Good, It is ordered that Lester August Danielson, Esquire, of Scottsbluff, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert J. Whissel, It is ordered that Samuel M. Fleischman, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Edward Williams, It is ordered that Alexander W. Staples, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Frank J. Donner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Harnisch, It is ordered that J. L. Searles, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - - -

The Moody Bible Institute of Chicago,

Appellant,

vs.

City of Chicago.

Appeal from the Supreme Court of the State of Illinois.

95

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

The Moody Bible Institute of Chicago,

Appellant,

95 vs.

City of Chicago.

Appeal from the Supreme Court of the State of Illinois.

TREATING the appeal papers herein from the Supreme Court of the State of Illinois as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, it is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Elijah Parker and George Lewis,

Appellants,

275 vs.

The State of Mississippi.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Elijah Parker and George Lewis,

Appellants,

275 vs.

The State of Mississippi.

Appeal from the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Elijah Parker and George Lewis, Appellants, vs. The State of Mississippi. — Appeal from the Supreme Court of the State of Mississippi.

275

TREATING the appeal papers herein from the Supreme Court of the State of Mississippi as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that certiorari should be granted.

Twisp Mining & Smelting Company, Appellant, vs. Chelan Mining Company, Seattle First National Bank, as Receiver of Alder Group Mining & Smelting Company, et al. — Appeal from the Supreme Court of the State of Washington.

213

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for failure to comply with Rule 12, paragraph 1, of the rules of this Court.

Per Mr. Chief Justice Stone.

Twisp Mining & Smelting Company, Appellant, vs. Chelan Mining Company, Seattle First National Bank, as Receiver of Alder Group Mining & Smelting Company, et al. — On petition for writ of certiorari to the Supreme Court of the State of Washington.

213

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

V. D. Payne,

Appellant,

vs.

J. A. Kirchwehm.

Appeal from the Supreme Court of the State of Ohio.

294

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Coit I. Hughes, H. B. Hughes, J. M. Goodson, et al.,

Appellants,

vs.

J. L. Gust.

Appeal from the Supreme Court of the State of Arizona.

308

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arizona, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Theodore Bentz,

Appellant,

—— vs.

State of Michigan.

ON CONSIDERATION of the petition for appeal herein,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law. Section 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., section 350.

Per Mr. Chief Justice Stone.

The State of Kansas,

Complainant,

9, Original vs.

The State of Missouri.

O R D E R

The report of the Special Master herein is received and ordered to be filed. It is ordered that exceptions to the said report, if any, be filed on or before November 15, next; that briefs upon such exceptions be filed on or before January 3, 1944; and that reply briefs, if any, be filed on or before January 24, 1944. The cause is assigned for hearing on Monday, January 31, 1944, at the head of the call for that day.

Per Mr. Chief Justice Stone.

A. M. Anderson, Receiver, etc.,

Petitioner,

3 vs.

Katherine Kirkpatrick Abbott,
Administratrix, etc., et al.

ON CONSIDERATION of the motion of the respondent to postpone the reargument of this case until January,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Nick Palbo,

Petitioner,

73 vs.

The United States of America.

ON CONSIDERATION of the motion to amend the petition for writ of certiorari in this case;

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Sarah Prince,

Appellant,

98 vs.

Commonwealth of Massachusetts.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Eastern-Central Motor Carriers Association, et al.,

Appellants,

105 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Earl Dickerson, W. O. Page, et al.,

Appellants,

198 vs.

Commonwealth of Virginia.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Anderson National Bank, Suing
on Behalf of Itself and all
Others Similarly situated,

Appellants,

154 vs.

H. Clyde Reeves, Individually,
etc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Thomas B. Dyett, Special
Guardian, etc.,

Appellant,

227 vs.

Title Guarantee and Trust Company,
et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is assigned for argument immediately following No. 52.

Per Mr. Chief Justice Stone.

John Thomas Carter and Eugene
Pearson Macemore,

Appellants,

134 vs.

The Commonwealth of Virginia.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing on the merits.

Per Mr. Chief Justice Stone.

J. Howell Flournoy, Sheriff, etc.,

Appellant,

252 vs.

Samuel G. Wiener, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing on the merits.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

329 vs.

Berke Cake Co., Inc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing on the merits.

Per Mr. Chief Justice Stone.

The United States of America, Order allowing certiorari.

Petitioner,

71 vs.

Frank Laudani.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States, Order allowing certiorari.

Petitioner,

75 vs.

Algernon Blair, Individually, and to the use of Roanoke Marble & Granite Company, Inc.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Dixie Pine Products Company, Order allowing certiorari.

Petitioner,

84 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Bain Peanut Company of Texas, Order allowing certiorari.

Petitioner,

91 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mary Tennant, Administratrix of the Estate of Harold C. Tennant, Deceased,

Petitioner,

94 vs.

Peoria and Pekin Union Railway Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Illinois Steel Company,

Petitioner,

99 vs.

Baltimore and Ohio Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Appellate Court of the State of Illinois, First District, is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Davies Warehouse Company,

Petitioner,

112 vs.

Prentiss M. Brown, Price Administrator.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Emergency Court of Appeals is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States, Order allowing certiorari.

Petitioner,

142 vs.

Howard C. Myers.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States, Order allowing certiorari.

Petitioner,

143 vs.

John H. Arble.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States, Order allowing certiorari.

Petitioner,

144 vs.

Charles C. Martin.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States, Order allowing certiorari.

Petitioner,

145 vs.

Walter O. Plitz.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States, Order allowing certiorari.

Petitioner,

146 vs.

George H. Spitz.

The petition herein for a writ of certiorari to the Court of Claims is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The B. F. Goodrich Company, Order allowing certiorari.

Petitioner,

158 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

B. H. Inness Brown, David Paine, Ethelbert Warfield, et al.,

Petitioners,

183 vs.

John Gerdes and James D. Carpenter, Jr., Trustees of Reynolds Investing Co., Inc., Debtor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Appeals of the State of New York is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Northwestern Electric Company and American Power & Light Company,

Petitioners,

195 vs.

Federal Power Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

209 vs.

John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear, et al., etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Delbert O. Stark, A. F. Stratton, A. R. Denton, et al., — Order allowing certiorari.

Petitioners,

211 vs.

Claude R. Wickard, Secretary of Agriculture of the United States.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Medo Photo Supply Corporation, — Order allowing certiorari.

Petitioner,

265 vs.

National Labor Relations Board.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of transcript of the the/proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, — Order allowing certiorari.

Petitioner,

267 vs.

Seattle-First National Bank, a National Banking Association.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Security Flour Mills Company, Order allowing certiorari.

Petitioner,

276 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Union Brokerage Company, Order allowing certiorari.

Petitioner,

291 vs.

Norman G. Jensen and Curtis M. Rime.

The petition herein for a writ of certiorari to the Supreme Court of the State of Minnesota is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue, Order allowing certiorari.

Petitioner,

115 vs.

Lane-Wells Company and Technicraft Engineering Corporation.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is transferred to the summary docket and assigned for argument immediately following No. 1, R.Simpson & Co., Inc. vs. Commissioner of Internal Revenue.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Samuel Feldman,

Petitioner,

193 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the question whether petitioner's testimony given in the New York supplementary proceedings was properly admitted in evidence at the trial.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Anton Mahnich,

Petitioner,

200 vs.

The Southern Steamship Company.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby granted.

Per Mr. Chief Justice Stone.

Anton Mahnich,

Petitioner,

200 vs.

The Southern Steamship Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Arthur Goodwyn Billings,

Petitioner,

215 vs.

Karl Truesdell, Major General,
United States Army.

ON CONSIDERATION of the motion to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Arthur Goodwyn Billings, Order allowing certiorari.

Petitioner,

215 vs.

Karl Truesdell, Major General,
United States Army.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Wilma E. Addison, Ernestine C. Lyles, Edgar Campbell, et al., Order allowing certiorari.

Petitioners,

217 vs.

Holly Hill Fruit Products, Inc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. The Solicitor General is invited to file a brief amicus curiae if he is so advised.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Polish National Alliance of The United States of North America,

Petitioner,

226 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, limited to the first five questions presented by the petition for the writ.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Great Northern Life Insurance Company,

Petitioner,

235 vs.

Jess G. Read, Insurance Commissioner for the State of Oklahoma.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted. Counsel are requested to discuss in their briefs and on oral argument the right of petitioner to maintain its suit in a federal court.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

District of Columbia,

Petitioner,

117 vs.

Elizabeth G. Pace.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mr. Justice Black and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Mrs. Eula May Walton, Administratrix of Fred Walton, Deceased,

Petitioner,

159 vs.

Southern Package Corporation.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mrs. Eula May Walton, Administratrix of Fred Walton, Deceased, — Order allowing certiorari.

Petitioner,

159 vs.

Southern Package Corporation.

The petition herein for a writ of certiorari to the Supreme Court of the State of Mississippi is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mina L. Cowan,

Petitioner,

72 vs.

Fallbrook Public Utility District, a Public Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Marguerite Cahn Raphael,
Petitioner,
74 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Dant and Russell, Incorporated,
Petitioner,
76 vs.
Board of Supervisors of the County of Los Angeles, State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William W. McGregor, Perry Shilton, Louie Hess, et al.,
Petitioners,
77 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Finck Cigar Co., Inc.,
Petitioner,
78 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Clarence Caldwell,
Petitioner,
79 vs.
The Travelers Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

La Societe Francaise De Bienfaisance Mutuelle (a Corporation),
Petitioner,
80 vs.
California Employment Commission, Formerly Known as Unemployment Reserves Commission.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Middle West Construction, Incorporated,

Petitioner,

81 vs.

The Metropolitan District.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Howard B. Parker,

Petitioner,

82 vs.

The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Jacksonville Paper Company,

Petitioner,

89 vs.

The United States.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Trust Company of Chicago, Administrator of the Estate of Elizabeth Palmer Smith, Deceased, et al.,

Petitioners,

90 vs.

City of Chicago, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles J. McColgan, Franchise Tax Commissioner of the State of California,

Petitioner,

93 vs.

Maier Brewing Company and H. F. Metcalf, Trustee of the Estate of Maier Brewing Company, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

V. W. Petty,

Petitioner,

96 vs.

Missouri and Arkansas Railway Company.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

West Virginia Glass Specialty Company,

Petitioner,

97 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Keeshin Motor Express Co., Inc.,

Petitioner,

101 vs.

Interstate Commerce Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

North Carolina Finishing Company,

Petitioner,

102 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Pacific States Savings and Loan Company and State Guaranty Corporation,

Petitioners,

104 vs.

Babette M. Trede, and Superior Court of the State of California in and for the City and County of San Francisco.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. L. Seidenbach,

Petitioner,

106 vs.

Maryland Casualty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Keasby & Mattison Company,

Petitioner,

107 vs.

Walter J. Rothensies, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

John H. Wallace, Jr., Doing Business as Wallace Laboratories,

Petitioner,

108 vs.

F. W. Woolworth Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Harold H. Barnett, Successor Trustee in Bankruptcy of the Allied Products Company,

Petitioner,

110 vs.

Maryland Casualty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Continental Casualty Company,

Petitioner,

219 vs.

Harold H. Barnett, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Fred Pine,
Petitioner,
111 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The J. L. Hudson Company,
Petitioner,
114 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lane-Wells Company, and Technicraft Engineering Corporation,
Petitioner,
116 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Howard Kiker,
Petitioner,
118 vs.
The City of Philadelphia, Bernard Samuel, Acting Mayor of Philadelphia, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Olaf Oswald,
Petitioner,
120 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Paul H. Barnes,
Petitioner,
121 vs.
Commonwealth of Pennsylvania, ex rel. Emma K. Barnes.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Muskegon Motor Specialties Company,

Petitioner,

122 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Anna Royer, Administratrix of the Estate of Lydia Brubaker, Deceased,

Petitioner,

124 vs.

Jerome K. Greiner.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas P. Nichols & Son Company,

Petitioner,

126 vs.

The National City Bank of Lynn and Federal Deposit Insurance Corporation.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Massachusetts, Essex County.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Massachusetts, Essex County, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. Creekmore, General Chairman of the Brotherhood of Maintenance of Way Employees of N. O. Public Belt Railroad,

Petitioner,

127 vs.

Public Belt Railroad Commission of New Orleans and City of New Orleans.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Alvin Emmett Skinner,

Petitioner,

128 vs.

Wilbur L. Dingwell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Morris Investment Corporation,

Petitioner,

129 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Conrad E. Langfield, Doing Business as The Solvite Company,

Petitioner,

136 vs.

Solvental Chemical Products, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Thomas W. Morrell, on Behalf of Himself and all Other Persons Similarly Situated,

Petitioners,

138 vs.

The City of New York, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Franklin Perry,

Petitioner,

139 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit. and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edwin K. Atwood and Alice B. Atwood, Individually and as Conservatrix of the Estate of Richard W. Atwood, Distracted,

Petitioner,

140 vs.

Alice G. K. Kleberg, Individually and as Executrix, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Herbert Frederic Miller,

Petitioner,

147 vs.

Elsie A. Miller.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

N. N. S. Matcovich,

Petitioner,

148 vs.

Clifford C. Anglim, as Collector of Internal Revenue for the First District of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Celanese Corporation of America,
Petitioner,
149 vs.
Libbey-Owens-Ford Glass Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

First Trust & Deposit Company, et al., as Executors of the Last Will and Testament of William M. Ballard, Deceased,
Petitioners,
151 vs.
Frank J. Shaughnessy, Collector of Internal Revenue of the United States for the 21st District of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Buckeye Union Casualty Company,
Petitioner,
152 vs.
Pat J. Ranallo and United States Fidelity and Guaranty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. E. Farrell,

Petitioner,

153 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Peter W. Burns,

Petitioner,

156 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Neil E. Reid, Circuit Judge of the Sixteenth Judicial Circuit, Sitting in and for the County of Saginaw,

Petitioner,

160 vs.

Second National Bank and Trust Company, of Saginaw, Michigan, etc., et al.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Klinger, Alias Jacob Klinger, Petitioner,

162 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Western Cartridge Company and Western Cartridge Employees' Independent Union, etc., Petitioners,

163 vs.

National Labor Relations Board, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Holland Furnace Company, Petitioner,

164 vs.

Department of Treasury of the State of Indiana, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Interstate Roofing & Supply Company,

Petitioner,

165 vs.

Department of Treasury of the State of Indiana, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Great Lakes Dredge & Dock Company and Fitz Simons & Connell Dredge & Dock Company,

Petitioners,

166 vs.

Department of Treasury of the State of Indiana, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Guy Carleton Denney,

Petitioner,

168 vs.

The Fort Recovery Banking Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The I. T. S. Company,
Petitioner,
169 vs.
Seiberling Rubber Company and The Seiberling Rubber Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Washington Water Power Company, The City Bank Farmers Trust Company and Ralph E. Morton, as Trustee, etc.,
Petitioners,
172 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Freddie Rich,
Petitioner,
173 vs.
Eula Marlene Rich.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The City of Youngstown,
Petitioner,
174 vs.
The Erie Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Antoinette D. Andrews,
Petitioner,
175 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Bertha A. Rainey and Aquila W. Sweeney, as Executors of Charlotte L. Andrews, Deceased,
Petitioners,
176 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Bertha A. Rainey, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

177.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mary A. Stoddard, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

178

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Belle Andrews, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

179.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Transbay Construction Company,
Petitioner,
180 vs.
City and County of San Francisco.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Carl Lippard and Paul Lippard,
Petitioners,
181 vs.
The State of North Carolina.

On petition for writ of certiorari to the Supreme Court of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Schiavone-Bonomo Corporation,
Petitioner,
182 vs.
Bouchard Transportation Company, Inc., and Buffalo Barge Towing Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Harvey S. Cover,
Petitioner,
184 vs.
Chicago Eye Shield Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Allen M. Snyder,
Petitioner,
185 vs.
The Provident Trust Co., Successor to the Commonwealth Trust Co., Guardian of the Estate of Millard P. Snyder, a Weak-Minded Person.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Allen J. Patch,
Petitioner,
186 vs.
Perry G. Stahly.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Francis E. Baumer,

Petitioner,

188 vs.

Franklin County Distilling Company, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William E. Evans,

Petitioner,

192 vs.

The State of South Carolina.

On petition for writ of certiorari to the Supreme Court of the State of South Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of South Carolina, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lawrence M. Williams, as Liquidator of Sterling Sugars, Inc., Formerly a Louisiana Corporation, et al.,

Petitioners,

194 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Insular Sugar Refining Corporation,

Petitioner,

225 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Willie Gray Garrison,

Petitioner,

196 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Delendo Corporation (Formerly Olde-Tyme Distillers Corporation), et al.,

Petitioners,

197 vs.

Philip Smolowe, et al., Suing on Behalf of Themselves and as Stockholders and for the Benefit of all other Stockholders of Delendo Corporation, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Alfred I. DuPont Testamentary Trust, et al.,

Petitioners,

199 vs.

Okeechobee County, Florida, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Pan American Airways, Inc. and National Surety Corporation,

Petitioners,

202 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mrs. Ida Rosser Barber,

Petitioner,

203 vs.

Legh R. Powell, Jr., and H. W. Anderson, Receivers of Seaboard Air Line Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mead Johnson & Company,
Petitioner,
204 vs.
Hillman's, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Citizens and Southern National Bank, Co-Trustee of the Estate of Emanuel Ulman, Deceased,
Petitioner,
205 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mississippi Road Supply Company,
Petitioner,
206 vs.
L. Metcalfe Walling, Administrator for the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Raritan Company of Delaware, Inc.,

Petitioner,

207 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

National Mineral Company,

Petitioner,

208 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Richard W. Werner,

Petitioner,

210 vs.

Hein-Werner Motor Parts Corp.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The People of Puerto Rico, on Behalf of The Isabela Irrigation Service,

Petitioner,

vs.

The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

216

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Walter Ford Gormly,

Petitioner,

vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

220

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. Clyde Dean, Doing Business as Red River Barge Line, Owner of the Tug "Doris Dean",

Petitioner,

vs.

Barge Transport Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

221

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Vertex Investment Company,

Petitioner,

224 vs.

Nora B. Schwabacher, Individually and Norma B. Schwabacher and Samuel I. Schwabacher, as Executors, etc., et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Morris and Essex Railroad Company, Cora Dreyfus, Lillian A. Neubert and Laura D. Pepper,

Petitioners,

228 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Julia C. Collins and Hattie L. Mosher,

Petitioners,

229 vs.

Joe O'Connell and Jessie B. O'Connell, Husband and Wife.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Elmore L. Westgate,

Petitioner,

230 vs.

Fred G. Timmer, Receiver of The Direct Refinery Stations, Bertha L. Wingate, et al.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Frank Parker,

Petitioner,

231 vs.

Peter B. Carey, Sheriff of Cook County.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Rufus Howard Nye,

Petitioner,

233 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Walter Gutterson,

Petitioner,

236 vs.

E. E. Thompson, Warden of The United States House of Detention at 427 West Street, New York City.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

R. K. Japha, Suing on his own behalf and on behalf of all other Owners of First and Refunding Mortgage Gold Bonds, Series A, etc.,

Petitioner,

237 vs.

Public Service Company of Northern Illinois, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Daniel W. Norris, et al., as Executors of the Will of Fannie W. Norris, Deceased,

Petitioners,

238 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Underwriters' Laboratories, Inc., Petitioner, vs. Commissioner of Internal Revenue. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

241

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Underwriters' Laboratories, Inc., Petitioner, vs. Commissioner of Internal Revenue. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

242

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Solomon G. Salomon, Petitioner, vs. The City of New York, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

243

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Morrisdale Coal Company,
Petitioner,
244 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Maurice Steckler, Administrator c. t. a., of the Estate of David Steckler, Deceased, etc.,
Petitioner,
245 vs.
The Pennroad Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

A. M. Byers Company,
Petitioner,
246 vs.
Commonwealth of Pennsylvania.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

General Management Corporation,
Petitioner,
248 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Evangelical Lutheran Synod of Kansas and Adjacent States, a Corporation,
Petitioner,
249 vs.
First English Lutheran Church of Oklahoma City, a Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Robert B. Twining, et al., as Natural Guardians of Robert Cope Twining and Louise Rittenhouse Twining, Minors, et al.,
Petitioners,
253 vs.
Land Title Bank and Trust Company, Trustee.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eastern Wine Corporation,
Petitioner,
254 vs.
Winslow-Warren, Ltd., Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. O. B. Price,
Petitioner,
255 vs.
Louisiana Rural Rehabilitation Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mary S. Whitmore, Robert Simpson, Louise Fillebrown Murtagh, et al.,
Petitioners,
256 vs.
The Pennsylvania Society for Prevention of Cruelty to Animals, a Corporation.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Federal Crude Oil Co., Petitioner, vs. The State of Texas.

257

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

S. D. Tilney, W. C. Ham, et al., Petitioners, vs. City of Chicago, et al.

259

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Martin A. Hirsch, Petitioner, vs. The United States of America.

260

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Charlie Herndon,

Petitioner,

263 vs.

The State of North Carolina.

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George C. Bennett,

Petitioner,

268 vs.

Julius De Geeter.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Geophysical Development Corporation, Shelley Krasnow and Leon P. Curtiss,

Petitioners,

269 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals of the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Stanley F. Wallace,

Petitioner,

270 vs.

Delaware River Ferry Company of New Jersey.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Moses L. Parshelsky,

Petitioner,

272 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

In the Matter of I. Walker Meckley,

273 Petitioner.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Margaret Withrow, Trading as Royal Blue Cab Company and George A. Butts,

Petitioners,

279 vs.

Wilma Farmer Edwards, Administratrix of the Estate of William Alexander Edwards, Deceased,

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wade S. Thomson, John W. Thomson, Courtney L. Thomson, et al.,

Petitioners,

281 vs.

Leta Butler, Rozell Griffith, Laura Thomas Sheppard, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

American Anode, Inc.,

Petitioner,

290 vs.

Dewey & Almy Chemical Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Adolph Axelrath,
Petitioner,
300 vs.
Spencer Kellogg and Sons, Inc.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Adolph Axelrath,
Petitioner,
304 vs.
Spencer Kellogg and Sons, Inc

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Home Ice Company of Memphis,
Petitioner,
307 vs.
Brewer R. Chapman, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had.

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Swan Carburetor Company,

Petitioner,

92 vs.

The Nash Motor Company.

ON CONSIDERATION of the motion to supplement and amend the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The Swan Carburetor Company,

Petitioner,

92 vs.

The Nash Motor Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William A. Doss,

Petitioner,

100 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Arthur H. Stoike,

Petitioner,

170 vs.

First National Bank of the City of New York.

ON CONSIDERATION of the motion to dispense with the printing of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Arthur H. Stoike,

Petitioner,

170 vs.

First National Bank of the City of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert F. Cole,

Petitioner,

191 vs.

The People of the State of New York.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert P. Coyle,

Petitioner,

191 vs.

The People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sammie Osborne,

Petitioner,

212 vs.

The State of South Carolina.

On petition for writ of certiorari to the Supreme Court of the State of South Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of South Carolina, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of the opinion that the petition should be granted.

Jim Skidmore, et al.,

Petitioners,

218 vs.

Swift & Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of the opinion that the petition should be granted.

Ralph A. Stilwell,
Petitioner,
271 vs.
Robert Norment, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Swiss National Insurance Company, Ltd., a Corporation of Basle Switzerland,
Petitioner,
288 vs.
Leo T. Crowley, as Alien Property Custodian, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

Jennings A. Snider,
Petitioner,
234 vs.
Vida Ruth Kelly, The National Bank of Washington, Executor of the Estate of James Merrill Kinsell, Deceased, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Truman B. Wayne,

Petitioner,

240 vs.

William W. Robinson, Jr., and The Texas Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Thaddeus Deatherage,

Petitioner,

125 vs.

Clyde I. Plummer, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thaddeus Deatherage,

Petitioner,

125 vs.

Clyde I. Plummer, Warden, etc.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bill Cannes,

Petitioner,

135 vs.

The State of Oklahoma.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Bill Cannes,

Petitioner,

135 vs.

The State of Oklahoma.

On petition for writ of certiorari to the Criminal Court of Appeals of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Criminal Court of Appeals of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joe T. Powell,

Petitioner,

137 vs.

Joseph W. Sanford, Warden,
United States Penitentiary,
Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joe T. Powell,

Petitioner,

137 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

George William Bailey,

Petitioner,

141 vs.

State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George William Bailey,

Petitioner,

141 vs.

State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ivy E. Atwood,

Petitioner,

157 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ivy E. Atwood,

Petitioner,

157 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

R. B. Swearengin,

Petitioner,

171 vs.

Milton F. Amrine, Warden, State Prison, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

R. B. Swearengin,

Petitioner,

171 vs.

Milton F. Amrine, Warden, State Prison, et al.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Laconia Chapelle Burroughs,

Petitioner,

189 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Laconia Chapelle Burroughs,

Petitioner,

189 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Harvey Bistany,

Petitioner,

190 vs.

Joseph H. Brophy, Warden of Auburn State Prison, Auburn, New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harvey Bistany,

Petitioner,

190 vs.

Joseph H. Brophy, Warden of Auburn State Prison, Auburn, New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richard Carr,

Petitioner,

264 vs.

Walter B. Martin, as Warden of Attica State Prison, Attica, New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Richard Carr,

Petitioner,

264 vs.

Walter B. Martin, as Warden of Attica State Prison, Attica, New York.

On petition for writ of certiorari to the County Court of Wyoming County, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the County Court of Wyoming County, State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Georgia M. Spruill,

Petitioner,

277 vs.

Thomas T. Newby, Chairman of the Board of Trustees for Temple Baptist Church.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Georgia M. Spruill,

Petitioner,

277 vs.

Thomas T. Newby, Chairman of the Board of Trustees for Temple Baptist Church.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Dale Stamphill,

Petitioner,

289 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Dale Stamphill,

Petitioner,

289 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Zebedee Tate,

Petitioner,

297 vs.

Empire Building Corporation.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Zebedee Tate,

Petitioner,

297 vs.

Empire Building Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Charles Colley,

Petitioner,

303 vs.

State of Tennessee.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Colley,

Petitioner,

303 vs.

State of Tennessee.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pantaleona Lumare,

Petitioner,

332 vs.

The State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Pantaleona Lumare,

Petitioner,

332 vs.

The State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wilbur Dear,

Petitioner,

123 vs.

Nathan Mayo, as State Prison Custodian.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Wilbur Dear,

Petitioner,

123 vs.

Nathan Mayo, as State Prison Custodian.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Wilbur Dear,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edgar Flowers,

Petitioner,

167 vs.

The State of Florida.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edgar Flowers,
Petitioner,
167 vs.
The State of Florida.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Douglas are of the opinion that the petition should be granted.

John Lawrence Coleman,
Petitioner,
258 vs.
Clinton T. Duffy, Warden of the California State Prison at San Quentin, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Lawrence Coleman,
Petitioner,
258 vs.
Clinton T. Duffy, Warden of the California State Prison at San Quentin, California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied on the ground that the cause is moot.

Per Mr. Chief Justice Stone.

Howard M. Sharpe,

Petitioner,

261 vs.

Commonwealth of Kentucky, W. Jess Buchanan, Warden.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Howard M. Sharpe,

Petitioner,

261 vs.

Commonwealth of Kentucky, W. Jess Buchanan, Warden.

On petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the Commonwealth of Kentucky, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

The People of the State of New York on the Relation of Stephen Rogalski,

Petitioner,

187 vs.

Walter B. Martin, as Warden of Clinton Prison at Dannemora, New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The People of the State of New York on the Relation of Stephen Rogalski,

Petitioner,

187 vs.

Walter B. Martin, as Warden of Clinton Prison at Dannemora, New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Edward J. Borah,

Petitioner,

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Edward J. Borah,

Petitioner.

—, Original.

ON CONSIDERATION of the application for a writ of certiorari herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Schneiderman,

Petitioner,

2 October Term, 1942 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America,

Petitioner,

4 October Term, 1942 vs.

William R. Johnson.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Jr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

The United States of America,

Petitioner,

5 October Term, 1942 vs.

Jack Sommers et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy, Mr. Justice Jackson, and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Gaetano Ajello,

Petitioner,

517 October Term, 1942 vs.

Pan American Airways Corporation,
et al.

A fourth petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

J. S. Potts, Trading as Southern
Progress Publishing Company,

Petitioner,

940 October Term, 1942 vs.

Martin Dies.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

J. S. Potts, Trading as Southern
Progress Publishing Company,

Petitioner,

940 October Term, 1942 vs.

Martin Dies

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Nathan M. Lubar, Trustee, etc.,

Petitioner,

1003 October Term, 1942 vs.

Harry Hartman.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Milton Prebyl,

Appellant,

1064 October Term, 1942 vs.

The Prudential Insurance Company of America and John S. Callan.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Douglas took no part in the consideration or decision of this application.

Bernard Kushner,

Petitioner,

1069 October Term, 1942 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Metropolitan-Columbia Stockholders, Inc., et al.,

Petitioners,

824 October Term, 1942 vs.

The City of New York.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Valenti,

Petitioner,

955 October Term, 1942 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marconi Wireless Telegraph Company of America,

Petitioner,

369 October Term, 1942 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Interstate Transit Lines,

Petitioner,

552 October Term, 1942 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. V. Davis,

Petitioner,

608 October Term, 1942 vs.

The State of Arizona.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Interstate Commerce Commission, et al.,

Appellants,

628 October Term, 1942 vs.

Columbus and Greenville Railway Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daniel F. Boone,

Petitioner,

698 October Term, 1942 vs.

Clarence M. Lightner, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Benjamin W. Freeman,

Petitioner,

707 October Term, 1942 vs.

Bee Machine Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Virginia Electric and Power Company,

Petitioner,

709 October Term, 1942 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nathan Mayo and Roy Hutchinson,

Appellants,

726 October Term, 1942 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Virginian Hotel Corporation of Lynchburg,

Petitioner,

766 October Term, 1942 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kennedy Laundry Company,

Petitioner,

958 October Term, 1942 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harold E. Cole,

Appellant,

892 October Term, 1942 vs.

Abel J. Violette, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sherman L. Rumberger,

Petitioner,

895 October Term, 1942 vs.

John H. Welsh et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Standrad Dredging Corporation,

Petitioner,

964 October Term, 1942 vs.

L. Metcalfe Walling, Administrator, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Elliott,

Petitioner,

967 October Term, 1942 vs.

Jess Buchanan, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis Burall,

Petitioner,

987 October Term, 1942 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Gordon Form Lathe Company,

Petitioner,

969 October Term, 1942 vs.

Ford Motor Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Armin Ellerbrake,

Petitioner,

996 October Term, 1942 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hugh A. Bowen,

Petitioner,

1001 October Term, 1942 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Becker,

Petitioner,

1024 October Term, 1942 vs.

Loew's, Incorporated.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Travelers Insurance Company,

Petitioner,

1031 October Term, 1942 vs.

John I. Magill, Conservator, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Oskar Tiedemann and Estonian
State Steamship Line,

Petitioners,

1038 October Term, 1942 vs.

Estoduras Steamship Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edgar B. Davis,

Petitioner,

1040 October Term, 1942 vs.

Commonwealth of Massachusetts.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Michael Dubina,

Petitioner,

1041 October Term, 1942 vs.

People of the State of Michigan.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alfred S. Davis, as Treasurer, etc., et al.,

Petitioners,

1042 October Term, 1942 vs.

Dinny & Robbins, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles H. Guyton,

Petitioner,

1070 October Term, 1942 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph A. Parrell,

Petitioner,

1077 October Term, 1942 vs.

Francis J. W. Lanagan, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The State of Illinois,

Complainant,

—, Original vs.

The State of Indiana, et al.

Motion for leave to file bill of complaint presented.

Henry Allen Hill,

Petitioner,

318 vs.

The State of Texas.

On petition for writ of certiorari to the Court of Criminal Appeals of the State of Texas.

It appearing to the Court that counsel for the petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The State of Colorado,

Complainant,

5, Original vs.

The State of Kansas, et al.

Six hours allowed for oral argument.

Argument on exceptions to report of Special Master commenced by Mr. Gail L. Ireland for the complainant; continued by Mr. Jean S. Breitenstein for the complainant; and by Mr. W. E. Stanley for the defendants.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow, at 12 o'clock.

TUESDAY, OCTOBER 12, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Ed Gossett, It is ordered that Lucian Touchstone, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. C. Gathings, It is ordered that Falon Andrew Fraley, Esquire, of Lepanto, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rowland W. Pixel, It is ordered that A. Karl Heyner, Esquire, of Cleveland, State of Ohio, and DeWitt K. Mason, Jr., Esquire, of Marion, State of Alabama, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Johnson, It is ordered that Miss Elsie M. Parris, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter W. Ahrens, It is ordered that Donald O. Hobart, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dean Hill Stanley, It is ordered that Raymond Kit Carson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer McClain, It is ordered that T. W. Kimber, Esquire, of Akron, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles T. Akre, It is ordered that Sol August, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward G. Kemp, It is ordered that Thomas F. Murphy, Esquire, of Wellsboro, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

Hazel-Atlas Glass Company,

Petitioner,

398 vs.

Hartford-Empire Company; and

Shawkee Manufacturing Company
et al.,

Petitioners,

—— vs.

Hartford-Empire Company.

ON CONSIDERATION of the motion of the respondent to be allowed to and including November 18, next, within which to file brief in opposition to the petition for writ of certiorari in each of these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The State of Colorado,

Complainant,

5, Original vs.

The State of Kansas, et al.

Argument on the exceptions to the report of the Special Master continued by Mr. W. E. Stanley and by Mr. Eldon Wallingford for the defendants and concluded by Mr. Henry C. Vidal for the complainant.

The United States of America,

Petitioner,

5 vs.

Joseph H. Dotterweich.

Argued by Mr. Solicitor General Fahy for the petitioner and by Mr. Samuel M. Fleischman for the respondent.

James Lanier Bell,

Petitioner,

17 vs.

Preferred Life Assurance Society of Montgomery, Alabama, et al.

Argument commenced by Mr. R. K. Wise for the petitioner.

Proclamation being made the Court is adjourned until tomorrow, at 12 o'clock.

WEDNESDAY, OCTOBER 13, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert E. Lynch, It is ordered that John H. Mitton, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rufus G. Poole, It is ordered that V. C. Shuttleworth, Esquire, of Cedar Rapids, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Emma Elizabeth Dillon, It is ordered that I. Trumbull Wood, Esquire, of Trenton, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Palmer, It is ordered that Samuel M. Amster, Esquire, of El Paso, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

James Lanier Bell,

Petitioner,

17 vs.

Preferred Life Assurance Society of Montgomery, Alabama, et al.

Argument continued by Mr. Warren E. Miller for the petitioner; by Mr. Richard T. Rives for the respondent; and concluded by Mr. Warren E. Miller for the petitioner.

Thad Benson Carter,

Petitioner,

18 vs.

George A. Kubler.

Argued by Mr. Elmer McClain for the petitioner and by Mr. T. W. Kimber for the respondent.

The United States of America, ex rel. Murray Brensilber, et al., etc.,

Petitioners,

21 vs.

Bausch & Lomb Optical Company, et al.

Argument commenced by Mr. William Stanley for the petitioners and continued by Mr. Whitney North Seymour for respondents, Bausch & Lomb Optical Company, et al.

- - - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow, at 12 o'clock.

THURSDAY, OCTOBER 14, 1943.-

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Oscar Provost, It is ordered that Edward Goodell Jennings, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald R. Richberg, It is ordered that Russell B. Day, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry R. Bower, It is ordered that Francis R. Cross, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard Spencer, It is ordered that Richard L. Johnston, Esquire, of Chicago, State of Illinois, and Lloyd C. Root, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The United States of America,
ex rel. Murray Brensilber, et
al., etc.,

Petitioners,

21 vs.

Bausch & Lomb Optical Company,
et al.

Argument continued by Mr. Whitney North Seymour for the respondents, Bausch & Lomb Optical Company, et al.; by Mr. Raymond M. White for respondent, Carl Zeiss, Inc.; and concluded by Mr. William Stanley for the petitioners.

General Committee of Adjustment
of the Brotherhood of Locomotive
Engineers for the Missouri-Kansas-
Texas Railroad, an unincorporated
Association,

Petitioner,

23 vs.

Missouri-Kansas-Texas Railroad
Company, et al.

Argument commenced by Mr. John W. Madden, Jr., for the petitioner; continued by Mr. Harold C. Heiss for the respondent, General Grievance Committee of the Brotherhood of Locomotive Firemen and Engineers; by Mr. Lucien Touchstone for the respondents, Missouri-Kansas-Texas R. R. Co., et al.; and concluded by Mr. Harold N. McLaughlin for the petitioner.

General Committee of Adjustment
of the Brotherhood of Locomotive
Engineers for the Pacific Lines
of Southern Pacific Company,

Petitioner,

27 vs.

Southern Pacific Company, et al; and

General Grievance Committee of the
Brotherhood of Locomotive Firemen
and Enginemen,

Petitioner,

41 vs.

General Committee of Adjustment of
The Brotherhood of Locomotive En-
gineers for the Southern Pacific
Lines of Southern Pacific Company,
etc., et al.

Argument commenced by Mr. Clarence E. Weigell for the

General Committee of Adjustment of the Brotherhood of Locomotive Engineers, etc., and continued by Mr. Burton Mason for the Southern Pacific Company.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow, at 12 o'clock.

FRIDAY, OCTOBER 15, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Overton Brooks, It is ordered that John M. Madison, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George S. Smith, It is ordered that David Elden Tolman, Esquire, of Bountiful, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Adrien F. Busick, It is ordered that Charles Morgan Price, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Wilson, It is ordered that Hale Boggs, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Shelby S. Faulkner, It is ordered that R. B. Carmon, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Wilson, It is ordered that Arthur O'Quin, Esquire, of Shreveport, State of Louisiana, and Matthew Cary Thompson, Esquire, of Monroe, State of Louisiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - - - -

General Committee of Adjustment
of the Brotherhood of Locomotive
Engineers for the Pacific Lines
of Southern Pacific Company, etc.,

Petitioner,

27 vs.

Southern Pacific Company, et al.; and

General Grievance Committee of the
Brotherhood of Locomotive Firemen
and Enginemen,

Petitioner,

41 vs.

General Committee of Adjustment of
The Brotherhood of Locomotive En-
gineers for the Southern Pacific
Lines of Southern Pacific Company,
etc., et al.

Argument continued by Mr. George M. Naus for the General Committee of Adjustment of the Brotherhood of Locomotive Engineers, etc; by Mr. Donald R. Richberg for General Grievance Committee of the Brotherhood of Locomotive Firemen and Enginemen, and concluded by Mr. Clarence E. Weisell for the General Committee of Adjustment of the Brotherhood of Locomotive Engineers, etc.

Switchmen's Union of North America,
in its own right, etc., et al.,

Petitioners,

48 vs.

National Mediation Board, George A.
Cook, et al.

Argued by Mr. Donald R. Richberg for the petitioners; by Mr. Robert L. Stern for respondent, National Mediation Board; and by Mr. Bernard M.

Savage for respondent, Brotherhood of Railroad Trainmen.

Frank Roberts,

Petitioner,

19 vs.

The United States of America.

Argument commenced by Mr. Newton B. Powell for the petitioner.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, October 18, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Frank P. Griffee, Esquire, of Bassett, State of Nebraska; Hamilton O'Dunne, Esquire, of Baltimore, State of Maryland, and Edward F. Farrington, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis E. Walter, It is ordered that Herbert J. Hartzog, Esquire, of Bethlehem, State of Pennsylvania, and Samuel H. Goodman, Esquire, of Bethlehem, State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Overton Brooks, It is ordered that LeDoux R. Provosty, Esquire, of Alexandria, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lord O'Brian, It is ordered that Burdette J. Daniels, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles T. Akre, It is ordered that Chas. B. Wallace, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry J. Fox, It is ordered that Sol I. Golden, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court.

On motion first made to the Court in this behalf by Mr. Harry C. Shriver, It is ordered that Bernard C. Mayberry, Esquire, of Lincoln, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John G. Remey, It is ordered that Benjamin M. Pester, Esquire, of Casper, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that L. Nelson Mayburst, Esquire, of Fresno, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lowry N. Coe, It is ordered that S. Webster Tull, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor in this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hiram W. Johnson, It is ordered that Theo. J. Roche, Esquire, of San Francisco. State of California, be admitted to practice as an Attorney and Counsellor in this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman L. Meyers, It is ordered that Norbert Korte, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor in this Court, and he was sworn accordingly.

- - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

Harold L. Ickes, Secretary of the Interior and Dan H. Wheeler, Director of The Bituminous Coal Division of the Department of the Interior,

Petitioners,

61 vs.

Associated Industries of New York State, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated for the reason stated in the opinion of this Court; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for such further proceedings as may be appropriate.

Per Mr. Chief Justice Stone.

Bessie Mathews and Lavon Kelley,

Petitioners,

155 vs.

State of West Virginia, ex rel. Lorentz C. Hamilton, Prosecuting Attorney of Calhoun County.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Circuit Court of Calhoun County, State of West Virginia, is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Bessie Mathews and Lavon Kelley,
Petitioners,
155 vs.
State of West Virginia, ex rel. Lorentz C. Hamilton, Prosecuting Attorney of Calhoun County.

On writ of certiorari to the Circuit Court of Calhoun County, State of West Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the Circuit Court of Calhoun County, State of West Virginia, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court, in this cause, be, and the same is hereby, vacated, each party to pay her or his own costs in this Court.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the Circuit Court of Calhoun County, State of West Virginia, for further consideration in the light of the decisions of this Court in the cases of Taylor v. Mississippi, Benoit v. Mississippi, Cummings v. Mississippi, and West Virginia State Board of Education v. Barnette, decided June 14, 1943.

Per Mr. Chief Justice Stone.

Menza B. Grace,
Appellant,
278 vs.
The Board of Commissioners of the State Bar of Alabama.

Appeal from the Supreme Court of the State of Alabama.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

vs.

Aluminum Company of America, et al.; and

The North American Company,

Petitioner,

vs.

Securities and Exchange Commission.

As four Justices have disqualified themselves from participating in the decision in each of these cases, the Court is unable to make final disposition of them because of the absence of a quorum of six Justices as prescribed by 28 U. S. C. sec. 321. These cases will accordingly be transferred to a special docket and all further proceedings in them postponed in each case until such time as there is a quorum of Justices qualified to sit in it, when it will be restored to the regular docket for such further proceedings as may be appropriate.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Ex parte Earle Golden,

Petitioner.

---,

ON CONSIDERATION of the application submitted herein by Earle Gordon,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ralph Barton Butz,

Petitioner.

---,

ON CONSIDERATION of the application submitted herein by Ralph Barton Butz,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Daisy D. Wilson,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Oliver Gobin,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Robert L. Peyton,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Forrest Holiday,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles Abernathy,

Petitioner.

——,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Dexter C. Dayton,

Petitioner.

——,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frederick T. Hansen and Sam Bonjiorno,

Petitioners.

——,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Floyd J. Kesling,

Petitioner.

——,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Louis Burall,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Oliver Gobin,

Petitioner.

—

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Peter J. C. Donnelly,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Alfred Maurice,

Petitioner.

—

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Sol Goldsmith,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Paul Davis,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Robert Hutto,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Alfred Writers,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Wilfred Doza,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte R. J. Hughes,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John Russell Miller,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Illinois,

Complainant,

11, Original. vs.

The State of Indiana, et al.

ON CONSIDERATION of the motion for leave to file the bill of complaint in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted; and process is ordered to issue returnable December 20, 1943.

Per Mr. Chief Justice Stone.

Federal Power Commission, et al.

Petitioners,

34 vs.

Hope Natural Gas Company; and

City of Cleveland,

Petitioner,

35 vs.

Hope Natural Gas Company

ON CONSIDERATION of the motion of the State of West Virginia for leave to participate in the oral argument as amicus curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Federal Power Commission, et al.,

Petitioners,

34 vs.

Hope Natural Gas Company; and

City of Cleveland,

Petitioner,

35 vs.

Hope Natural Gas Company.

ON CONSIDERATION of the motion of Cities Service Gas Company for leave to file a brief as amicus curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Colgate-Palmolive-Peet Company,

Petitioner,

38 vs.

The United States of America; and

Colgate-Palmolive-Peet Company,

Petitioner,

39 vs.

The United States of America.

ON CONSIDERATION of the motion of the petitioner to remove these cases from the summary docket,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Howell Flournoy, Sheriff and Ex-Officio Tax Collector,

Appellant,

252 vs.

Samuel G. Wiener, William B. Wiener, et al.

In view of the Act of August 24, 1937, 28 U. S. C. section 401, the Court hereby certifies to the Attorney General of the United States that the constitutionality of Section 402 (b) (2) of the Revenue Act of 1942, is drawn in question in this case.

Per Mr. Chief Justice.

The Hecht Company,

Petitioner,

316 vs.

Prentiss M. Brown, Price Administrator of the Office of Price Administration.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

J. M. Sartor, et al., Order allowing certiorari.

Petitioners,

232 vs.

Arkansas Natural Gas Corporation.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Goodyear Tire & Rubber Company, Inc. and General Dry Batteries, Inc., Order allowing certiorari.

Petitioners,

262 vs.

Ray-O-Vac Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Order of Railroad Telegraphers, Order allowing certiorari.

Petitioner,

343 vs.

Railway Express Agency, Incorporated.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for argument immediately following No. 28, Brotherhood of Railroad Trainmen, etc. vs. Toledo, Peoria & Western Railroad.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Trojan Powder Company,
Petitioner,
201 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

National Labor Relations Board,
Petitioner,
334 vs.
American Tube Bending Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

A. F. Brooks, doing business as East Side Ice and Fuel Company, et al.
Petitioners,
293 vs.
State Farm Mutual Automobile Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

C. A. Roberts,

Petitioner,

298 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

H. V. Watkins, Sr., et al., Executors of the Estate of Richard Howard Green, Deceased, et al.,

Petitioners,

306 vs.

Eugene Ply, Collector of Internal Revenue for the District of Mississippi.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Werner Von Clemm,

Petitioner,

309 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

George W. Green, et al., Petitioners,
313 vs.
City of Stuart, Florida.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Pauline A. Selser, et al., Petitioners,
314 vs.
City of Stuart, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Nat Rogan, as United States Collector of Internal Revenue at Los Angeles, California, Petitioner,
315 vs.
Samson Tire & Rubber Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William Davies Co., Inc.,
Petitioner,
319 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Norstrand Corporation and Leif Norstrand,
Petitioners,
321 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Antillio Semerio, Fred Fattor, Charles Osterlye, et al.,
Petitioners,
322 vs.
Theodore Rosenberg, Gussie Rosenberg, Dorothy Airhart, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Antillio Semerio, Fred Pattor, Charles Osterlye, et al.,

Petitioners,

323 vs.

Theodore Rosenberg, Gussie Rosenberg, Dorothy Airhart, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Antillio Semerio, Fred Pattor, Charles Osterlye, et al.,

Petitioners,

324 vs.

Theodore Rosenberg, Gussie Rosenberg, Dorothy Airhart, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

New England Fish Company of Oregon, a Corporation, et al.

Petitioners,

325 vs.

Margaret Meyer, Administratrix of the Estate of Ernest Kruse, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mrs. Reginald Reichman, Petitioner,
327 vs.
Compagnie Generale Transatlantique.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had.

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

G. T. Fogle & Company, Petitioner,
330 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Pennington Engineering Company, Petitioner,
331 vs.
Houde Engineering Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Earl Moore, Petitioner, vs. Illinois Central Railroad Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

333

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Amos S. Marchus, Petitioner, vs. Otto C. Druge and Dan O Druge, Co-partners Under the Firm Name and Style of Druge Brothers Manufacturing Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

341

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Jacksonville Paper Company, Petitioner, vs. National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

342

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mrs. Leslie P. Slade, et al., Petitioners, vs. Shell Oil Company, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

214 Gilcrease Oil Company, Petitioner, vs. W. M. Cosby, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

222 Seneca Coal and Coke Company, Petitioner, vs. Milo Loftin

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Leland Stanford Junior University and Elmer H. Shine,
Petitioners,
250 vs.
The National Supply Company

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Jack Liss and Frank Conte,
Petitioners,
282 vs.
The United States of America

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Charles Londoner,
Petitioner,
283 vs.
The United States of America

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

I. David Cohen and Huel's Chemists, Inc.,

Petitioner,

284 vs.

The United States of America

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Alfred Mainella,

Petitioner,

285 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Al N. Fox and Max Fox,

Petitioners,

286 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

David Lowenstein,
Petitioner,
287 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Charles J. Mach, Debtor,
Petitioner,
296 vs.
The Abbott Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it isnow here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Radiant Point Pen Corporation,
Petitioner,
301 vs.
C. Howard Hunt Pen Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ralph Rea, Mary Boland, Katherine Gruber, et al.,

Petitioner,

103 vs.

William B. Devanney, Lulu Devanney, Daisy Devanney Pike, et al.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Inland Overseas Steamship Corporation,

Petitioner,

326 vs.

Polar Steamship Corporation.

ON CONSIDERATION of the motion to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Inland Overseas Steamship Corporation,

Petitioner,

326 vs.

Polar Steamship Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Thomas Emmett,

Petitioner,

113 vs.

The State of Georgia.

ON CONSIDERATION of the motion to proceed on typewritten papers in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Emmett,

Petitioner,

113 vs.

The State of Georgia.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had.

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Wilbur Smith,

Petitioner,

347 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Wilbur Smith,

Petitioner,

347 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Robert Redus,

Petitioner,

348 vs.

Pitt Williams, as Warden of Kilby Prison.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Robert Redus,

Petitioner,

348 vs.

Pitt Williams, as Warden of Kilby Prison.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul S. Campbell,

Petitioner,

161 vs.

The State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Paul S. Campbell,

Petitioner,

161 vs.

The State of Missouri.

ON CONSIDERATION of the motion to strike respondent's brief in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul S. Campbell,

Petitioner,

161 vs.

The State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Allen, alias James Robert Allen, etc.,

1034 O.T. 1942 vs. Petitioner,

United States of America.

A second petition for rehearing and "for vacating of judgment" having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edgar Flowers,

Petitioner,

167 vs.

The State of Florida.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

O R D E R

The Court will take a recess from Monday, October 25, until Monday, November 8, next.

- - - - - - - - - - -

Frank Roberts,

Petitioner,

19 vs.

The United States of America.

Argument continued by Mr. Newton B. Powell for the petitioner and concluded by Mr. Paul A. Freund for the respondent.

Securities and Exchange Commission,

Petitioner,

vs.

C. M. Joiner Leasing Corporation
and C. M. Joiner.

Argued by Mr. John P. Davis for the petitioner and by Mr. David A. Frank for the respondent.

The Hunter Company, Inc.,

Appellant,

vs.

Joseph L. McHugh, Commissioner of Conservation of the State of Louisiana, et al.

Motion to dismiss submitted by Mr. Arthur O'Quin for appellee, Southern Production Company, Inc. Argued on the motion to dismiss by Mr. Arthur O'Quin for appellee, Southern Production Company, in support of the motion and by Mr. John M. Madison for the appellant in opposition thereto. Argument on the merits commenced by Mr. Joe T. Cawthorn for the appellant; continued by Mr. John M. Madison for the appellant; and by Mr. George H. Wilson for appellee, Joseph L. McHugh, Commissioner, etc.

- - - - - - - - - -

Proclamation being made, the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Joseph C. O'Mahoney, It is ordered that Thomas Partick Hanagan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Graff Miller, It is ordered that Harold A. Scragg, Esquire, of Scranton, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. F. O'Neil, It is ordered that Clyde B. Macdonald, Esquire, of Akron, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lloyd Fletcher, Jr., It is ordered that Horace P. Luckett, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Mills Meacham, It is ordered that Irene Kuchinskas, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Matthew Mansfield Neely, It is ordered that William Wallace Goldsmith, of Charleston, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

J. Oliver Hill, Administrator, etc.,

Petitioner,

4 vs.

Francis L. Hawes, Individually, etc.

ON CONSIDERATION of the motion of petitioner to print an abbreviated record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted. The motion of respondent designating additional matter for printing is also granted and it is ordered that those portions of the record designated for printing by either party be printed, without prejudice to the authority of the Court to make such order as to costs as it may deem proper, if it appears that the respondent has caused unnecessary parts of the record to be printed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The Hunter Company, Inc.,

Appellant,

25 vs.

Joseph L. McHugh, Commissioner of Conservation of the State of Louisiana, et al.

Argument continued by Mr. George A. Wilson and Mr. T. Hale Boggs for appellee, Joseph L. McHugh, Commissioner, etc., and concluded by Mr. John M. Madison for the appellant.

Irene Brady, Administratrix, etc.,

Petitioner,

26 vs.

Southern Railway Company.

Argued by Mr. Welch Jordan and Mr. D. E. Hudgins for the petitioner and by Mr. Sidney S. Alderman for the respondent.

Merchants National Bank of Boston,
Executor,

Petitioner,

30 vs.

Commissioner of Internal Revenue.

Argued by Mr. Edward C. Thayer for the petitioner and by Mr. Arnold Raum for the respondent.

Northwest Airlines, Inc.,

Petitioner,

33 vs.

State of Minnesota.

Argument commenced by Mr. Michael J. Doherty for the petitioner.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief, Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Joseph Merrick Jones, It is ordered that Edward J. deVerges, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Levi Russell Alden, It is ordered that John Willard Martin, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. Cockley, It is ordered that Walter J. Milde, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guy Cordon, It is ordered that Glen McCarty, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Atlee Walker, It is ordered that Herbert C. Loney, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Magnolia Petroleum Company, et al.,

Petitioners,

29 vs.

Sullivan H. Hunt.

Submitted by Mr. Homer Hendricks and Mr. Cullen R. Liskow for the petitioners and by Mr. Sullivan H. Hunt, pro se.

Northwest Airlines, Inc.,

Petitioner,

33 vs.

State of Minnesota.

Argument continued by Mr. Michael J. Doherty for the petitioner; by Mr. Andrew R. Bratter for the respondent; and concluded by Mr. George S. Sjoselius for the respondent.

Federal Power Commission, et al.,

Petitioners,

34 vs.

Hope Natural Gas Company; and

City of Cleveland,

Petitioner,

35 vs.

Hope Natural Gas Company.

Four and one-half hours allowed for oral argument. Argument commenced by Mr. Assistant Attorney General Shea for petitioners in No. 34; continued by Mr. Spencer W. Reeder for the petitioner in No. 35; and by Mr. William B. Cockley for the respondent.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Frank C. Brooks, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herman P. Eberharter, It is ordered that Harry M. Montgomery, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl D. Shoemaker, It is ordered that Urbano A. Zafra, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. C. Hull, It is ordered that Thomas W. Conely, Jr., Esquire, of Okeechobee, State of Florida, and Joseph Peyton Lea, Jr., Esquire, of Orlando, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas P. Healy, It is ordered that Willis T. Pierson, Esquire, of New York, State of

New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Goodell Jennings, It is ordered that Martin A. Fromer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Graff Miller, It is ordered that Thomas Chalmers Buchanan, Esquire of Beaver, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Byrne, It is ordered that Amos W. Jackson, Esquire, of Versailles, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. McNeill, It is ordered that Leo E. Sherman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Federal Power Commission, et al.,

Petitioners,

34 vs.

Hope Natural Gas Company; and

City of Cleveland,

Petitioner,

35 vs.

Hope Natural Gas Company.

Argument continued by Mr. William B. Cockley for the respondent; by Mr. M. M. Neeley for the State of West Virginia, as amicus curiae by special leave of Court; and concluded by Mr. Spencer W. Reeder for the petitioner in No. 35.

Consumers Import Co., Inc., et al.,

Petitioners,

32 vs.

Kabushiki Kaisha Kawasaki Zosenjo,
et al.

Argued by Mr. T. Catesby Jones for the petitioners and by Mr. George C. Sprague for the respondents. Leave granted respondent to file a supplemental brief.

Midstate Horticultural Co., Inc.,

Petitioner,

40 vs.

The Pennsylvania Railroad Company.

Argument commenced by Mr. Theo. J. Roche for the petitioner.

- - - - - - - - -

Proclamation being made the Court is adjourned until

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that G. A. Connatser, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Seymour D. Lewis, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Elston, It is ordered that Earl Ramage Lewis, Esquire, of Saint Clairsville, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mason Trowbridge, It is ordered that Blevins C. Dunklin, Esquire, of Bronxville, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Midstate Horticultural Co., Inc.,

Petitioner,

40 vs.

The Pennsylvania Railroad Company.

Argument continued by Mr. Theo. J. Roche for the petitioner; by Mr. John Dickinson for the respondent; and concluded by Mr. Theo. J. Roche for the petitioner.

W. J. Meredith, James C. Martin, et al.,

Petitioners,

42 vs.

The City of Winter Haven.

Argument commenced by Mr. D. C. Hull for the petitioners; continued by Mr. Giles J. Patterson for the respondent; and concluded by Mr. John L. Graham for the petitioners.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Daniel B. Bryan, Jr., Esquire, of Wake Forrest, State of North Carolina, and Malcolm A. Hoffmann, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl R. Lewis, It is ordered that A. G. Lancione, Esquire, of Bellaire, State of Ohio, Robert R. Michener, Esquire, of Bridgeport, State of Ohio, and Chester C. Sedgwick, Esquire, of Bellaire, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Whittington, It is ordered that Leroy Money Adams, Esquire, of Jackson, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Shelton Lisenby, It is ordered that Edward S. Nelson, Jr., Esquire, of Olympia, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse W. Nicholson, It is ordered that Jesse Frank Nicholson, Esquire, of Chevy Chase,

State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Winthrop A. Johns, It is ordered that Maurice R. Kraines, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that David Findling, Esquire, of New York, State of New York, and Jacob I. Karro, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen J. McMahon, It is ordered that Joseph S. Brock, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Kammerman, It is ordered that George Cutler, Esquire, of Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Morris M. Schnitzer, Esquire of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. McInnis, It is ordered that Paul L. Bleakley, Esquire, of Yonkers, State of New York, and John J. Broderick, Esquire, of Yonkers, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - -

W. E. Callison, Appellant, vs. The State of Texas. — Appeal from the Court of Civil Appeals of the State of Texas, 8th Supreme Judicial District.

360

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, 8th Supreme Judicial District and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Riss & Company, Inc., Appellant, vs. The United States of America and Interstate Commerce Commission. — Appeal from the District Court of the United States for the Northern District of Oklahoma.

368

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Oklahoma, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court in this cause be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the decree of the District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Black and Mr. Justice Douglas.

- - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

Ex parte Arthur Doyle,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Oral S. Evenson,

Petitioner,

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Louis T. McConnell,

Petitioner,

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Chesteen McConnell,

Petitioner,

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Mars, Incorporated,

Petitioner,

—,

ON CONSIDERATION of the motion for leave to file the petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is denied without consideration of the merits and without prejudice to its presentation to the Circuit Court of Appeals for the Eighth Circuit, as is deemed to be the more appropriate procedure.

IT IS FURTHER ORDERED that the proceedings before the Special Master in this case be, and the same are hereby, stayed for ten days to afford petitioner an opportunity to present its petition to the Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

George Washington James,

Petitioner,

— vs.

State of Florida.

ON CONSIDERATION of the petition for a stay of execution in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emanuel Pollock,

Appellant,

345 vs.

H. T. Williams, as Sheriff of Brevard County, Florida.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

354 vs.

South-Eastern Underwriters Association, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is set for argument immediately following No. 226, Polish National Alliance of the United States of North America vs. National Labor Relations Board.

Per Mr. Chief Justice Stone.

International Harvester Company, et al.,

Appellants,

355 vs.

Department of Treasury of the State of Indiana, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Cornell Steamboat Company,

Appellant,

384 vs.

The United States of America, et al.; and

Boston Towboat Company,

Appellant,

385 vs.

The United States of America, et al.

The statements of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is note.

Per Mr. Chief Justice Stone.

The United States of America, et al.,

Appellants,

417 vs.

County of Allegheny, Pennsylvania.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

336 vs.

Hearst Publications, Incorporated.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

337 vs.

Stockholders Publishing Company, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

National Labor Relations Board, Order allowing certiorari.

Petitioner,

338 vs.

Hearst Publications, Incorporated.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

National Labor Relations Board, Order allowing certiorari.

Petitioner,

339 vs.

The Times-Mirror Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Murray B. McLeod, Commissioner of Revenue of the State of Arkansas, Order allowing certiorari.

Petitioner,

311 vs.

J. E. Dilworth Company and Reichman-Crosby Company.

The petition herein for a writ of certiorari to the Supreme Court of the State of Arkansas is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

E. E. Ashcraft and John Ware,

Petitioners,

391 vs.

State of Tennessee.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

E. E. Ashcraft and John Ware,

Petitioners,

391 vs.

State of Tennessee.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Tennessee is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

William T. Reid,

Petitioner,

247 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

United States Gypsum Company,
Petitioner,
320 vs.
Prentiss M. Brown, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

C. P. Moody,
Petitioner,
344 vs.
Claude R. Wickard, Secretary of Agriculture of the United States and Member National Forest Reservation Commission, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Washington Brewers Institute, a Corporation, et al.,
Petitioners,
346 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Public Service Company of Oklahoma, a Corporation,

Petitioner,

350 vs.

Joe T. Parkinson, County Treasurer, of Tulsa County, Oklahoma.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clarence H. Rayno, et al.,

Petitioners,

351 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Harold Christoffel and Allis-Chalmers Workers Union, Local No. 248, United Automobile Workers of America, et al.,

Petitioners,

353 vs.

The Wisconsin Employment Relations Board and Nicholas Imp and Michael Bohachef.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marine Engineers' Beneficial Association Local No. 33,

Petitioner,

357 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Cosgrove-Meehan Coal Corporation, Cosgrove & Company, Inc., et al.,

Petitioners,

358 vs.

Maurice P. Angland and Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. H. Smith Richardson and Lunsford Richardson, Jr., Executors, etc., et al.,

Petitioners,

364 vs.

Robert H. King, Sr., Robert G. Vaughn, Sr., et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Metropolitan Life Insurance Company, Petitioner, vs. Adrian Ettelson, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

365

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edith Henry Barbour, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

370

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ladoga Canning Company, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

373

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Gelmby Co., Inc. and New York Merchandise Co., Inc.,

Petitioners,

378 vs.

Monogram Manufacturing Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Joe Degnan,

Petitioner,

379 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Joseph William Letourneau and Marcellene F. Letourneau,

Petitioners,

383 vs.

Commercial Merchants National Bank and Trust Company of Peoria.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Murray B. McLeod, Commissioner of Revenues of the State of Arkansas,

Petitioner,

312 vs.

Binswanger and Company.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Stone.

Charles DeJordan,

Petitioner,

280 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Charles DeJordan,

Petitioner,

280 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ex parte Charles DeJordan,

Petitioner.

——,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Andy Vanover,

Petitioner,

382 vs.

O. H. Cox, Warden, United States Medical Center, Springfield, Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Andy Vanover,

Petitioner,

382 vs.

O. H. Cox, Warden, United States Medical Center, Springfield, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied on the ground that the cause is moot, it appearing that petitioner is no longer in the respondent's custody.

Per Mr. Chief Justice Stone.

Isaac Irwin,

Petitioner,

328 vs.

R. H. Lawrence, Warden.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Isaac Irwin,

Petitioner,

328 vs.

R. H. Lawrence, Warden.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wildon Lloyd,

Petitioner,

335 vs.

United States Fidelity & Guaranty Company.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Wildon Lloyd,

Petitioner,

335 vs.

United States Fidelity & Guaranty Company.

On petition for writ of certiorari to the Municipal Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Municipal Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

James Widmer,

Petitioner,

376 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Widmer,

Petitioner,

376 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Sylvester Andrews,

Petitioner,

302 vs.

The State of Georgia.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Sylvester Andrews,

Petitioner,

302 vs.

The State of Georgia.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that the petition for writ of certiorari should be granted.

Theodore Bentz,

Appellant,

——, vs.

State of Michigan.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harvey S. Cover,

Petitioner,

184 vs.

Chicago Eye Shield Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, November 8, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Victor P. Keay, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Ray A. Brown, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom C. Clark, It is ordered that George C. Kemble, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that William G. McRae, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Henry M. Evans, Esquire, of Gloucester City, State of New Jersey, and Raymond C. Stoecker, Esquire, of Chicago, State of

Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. O. Richey, It is ordered that John W. Michael, Esquire, of Milwaukee, State of Wisconsin, and George D. Spohn, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph H. Dwan, It is ordered that William L. Prosser, Esquire, of Minneapolis, State of Minnesota; Charles Walter Nyquist, Esquire, of Saint Paul, State of Minnesota, and Wesley A. Dierberger, Esquire, of Great Falls, State of Montana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hubert H. Margolies, It is ordered that Monroe I. Katcher, II, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Preston Swecker, It is ordered that Charles F. Meroni, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic P. Lee, It is ordered that Paul E. Mathias, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Bessie Margolin, It is ordered that James H. Shelton, Esquire, of Washington, D. C., be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen G. Gartner, It is ordered that Ellen E. O'Neil, of New York, State of New York, and Lawrence R. Condon, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court on this behalf by Mr. William L. Houston, It is ordered that Arthur D. Shores, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court on this behalf by Mr. Eugene Cotton, It is ordered that Lindsay Pratt Walden, Esquire of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Consumers Import Co., Inc., et al., Petitioners,
vs.
Kabushiki Kaisha Kawasaki Zosenjo and Kawasaki Kisen Kabushiki Kaisha.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

32

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Jackson.

Thad Benson Carter, Petitioner,
vs.
George A. Kubler.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

13

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the

United States for the Northern District of Ohio.

Per Mr. Justice Murphy.

James Lanier Bell,

Petitioner,

17 vs.

Preferred Life Assurance Society of Montgomery, Alabama, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Middle District of Alabama for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

The United States of America, ex rel. Gene McCann,

Petitioner,

371 vs.

William A. Adams, Warden of the City Prison of Manhattan, et al.

ON CONSIDERATION of the motion for leave to proceed here in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Gene McCann,

Petitioner,

371 vs.

William A. Adams, Warden of the City Prison of Manhattan, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Gene McCann,

Petitioner,

371 vs.

William A. Adams, Warden of the City Prison of Manhattan, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the order dated June 28, 1943, of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Jackson.

Ex parte Gene McCann,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Gene McCann,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,
ex rel. Gene McCann,

Petitioner,

371 vs.

William A. Adams, Warden of the
City Prison of Manhattan, et al.

ON CONSIDERATION of the petition for the appointment of counsel and for release from custody under Rule 45(4) of the Rules of this Court,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Williams A. Adams, Warden of the City Prison of Manhattan, and James E. Mulcahy, United States Marshal,

Petitioners,

79 O.T. 1942 vs.

The United States of America, ex rel. Gene McCann.

ON CONSIDERATION of the petition to make more definite and certain the mandate of this Court on its amended decision in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Hunter Company, Inc., Appellant,

25 vs.

Joseph L. McHugh, Commissioner of Conservation of the State of Louisiana, et al.

Appeal from the Supreme Court of the State of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and on motion to dismiss, which was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Stone.

W. J. Meredith, James G. Martin, and A. R. Ohmart,

Petitioners,

42 vs.

The City of Winter Haven.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the UnitedStates Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that

this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Black and Mr. Justice Jackson.

- - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - -

Mart Gilmore, Appellant, vs. The State of New Mexico. — Appeal from the Supreme Court of the State of New Mexico.

438

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New Mexico, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Harold Kramer, Appellant, vs. The State of Ohio.

412

ON CONSIDERATION of the motion for leave to file the statement of jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harold Kramer,

Appellant,

412 vs.

The State of Ohio.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Harold Kramer,

Petitioner,

412 vs.

The State of Ohio.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Murray Brensilber, Emanuel Thebner, Murray Brensilber, et al., etc.,

Petitioners,

21 vs.

Bausch & Lomb Optical Company, Carl Zeiss, Inc., M. H. Eisenhart, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this

Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this case.

- - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

Ex parte Albert O. Hegney,

Petitioner.

---,

ON CONSIDERATION of the application submitted herein by Albert O. Hegney,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William Ira Jenkins,

Petitioner.

---,

ON CONSIDERATION of the application submitted herein by William Ira Jenkins,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John O. Story,

Petitioner,

——,

ON CONSIDERATION of the application submitted herein by John O. Story,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Mary A. Ruthven,

Petitioner.

——,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Stanley B. Peplowski,

Petitioner,

——,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy D. Wilson,

Petitioner,

——, vs.

Ralph S. Hinman.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, Order.

Complainant,

10, Original vs.

The State of Louisiana, et al.

The transcript of testimony is received and ordered to be filed. The Commissioner having waived compensation, his expenses of $70.00 are approved and are directed to be paid by the United States and to be charged as costs.

Per Mr. Chief Justice Stone.

Lonnie E. Smith,

Petitioner,

51 vs.

S. E. Allwright, Election Judge, et al.

ON CONSIDERATION of the motions of the American Civil Liberties Union and National Lawyers Guild for leave to file briefs as amici curiae in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Stone.

Delbert O. Stark, A. F. Stratton, et al.,

Petitioners,

211 vs.

Claude R. Wickard, Secretary of Agriculture of the United States.

ON CONSIDERATION of the motion of counsel for petitioners to join Marvin Jones, War Food Administrator, as a party respondent in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Crites, Incorporated, Order allowing certiorari.

Petitioners,

317 vs.

Prudential Insurance Company of America, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Augustus P. Norton, Deputy Commissioner for the Third Compensation District, Order allowing certiorari.

Petitioner,

362 vs.

Warner Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Order allowing certiorari.

Petitioner,

381 vs.

American Surety Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is transferred to the summary docket.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Order allowing certiorari.

Petitioner,

366 vs.

Jasper White.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

City of Coral Gables, Florida, Order allowing certiorari.

Petitioner,

388 vs.

Ed. C. Wright, Doing Business as Ed. C. Wright & Company, Successor to Ed. C. Wright & Company, Inc., et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Fred M. Vinson, Director of Economic Stabilization, etc., et al., Order allowing certiorari.

Petitioners,

396 vs.

Washington Gas Light Company and Public Utilities Commission of the District of Columbia.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Albert Yakus, Order allowing certiorari.

Petitioner,

374 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is consolidated with No. 375 for argument.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Benjamin Rottenberg and B. Rottenberg, Inc., Order allowing certiorari.

Petitioners,

375 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is consolidated with No. 374 for argument.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Anthony Cramer,

Petitioner,

406 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted. The Court directs that the expense of printing the record be paid by the United States pursuant to 28 U. S. C., Sec. 832.

Per Mr. Chief Justice Stone.

Anthony Cramer,

Petitioner,

406 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Prudential Insurance Company of America, et al.,

Petitioners,

387 vs.

Crites, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

John O. Murray,

Petitioner,

340 vs.

Buster Ned, a Minor, Justin Ned, a Minor, Mamie Johnson, a Minor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Consolidated Freightways, Inc.,
Petitioner,
352 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Nathan Goldsmith and The Manhattan Coffee & Sugar Company, Inc.,
Petitioners,
377 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William Niklaus, Mary V. Niklaus and Loup River Public Power District,
Petitioners,
390 vs.
The Lincoln Joint Stock Land Bank of Lincoln, Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Durkee Famous Foods, Inc., Petitioner, vs. Carter H. Harrison, Collector of Internal Revenue for the First District of Illinois.

393

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Gertrude Koller Brown, Petitioner, vs. The School District of The City of Bethlehem, Pennsylvania.

401

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Schenley Import Corporation, Petitioner, vs. The United States.

405

On petition for writ of certiorari to the United States Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Atlanta Flooring & Insulation Company, Inc., et al.,

Petitioners,

359 vs.

Oberdorfer Insurance Agency and Marvin G. Russell, Receiver.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Jillo Bynum, et al.,

Petitioners,

356 vs.

The Firestone Tire & Rubber Company.

On petition for writ of certiorari to the Court of Appeals of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Tennessee, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bartol Sikich, Emma Sikich and Transfer Realty Co., Inc.,

Petitioners,

361 vs.

Glenn W. Springmann, as Trustee, in the Matter of Bartol Sikich, Voluntary Bankrupt.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John H. Rowe,

Petitioner,

386 vs.

John B. Colpoys, United States Marshal, District of Columbia, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Wayne M. Neal, The Louisville Drying Machinery Company and Citrus Patents Company,

Petitioners,

389 vs.

State of Florida, The State Board of Education of Florida and State Board of Control.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The New York Great Atlantic & Pacific Tea Company, et al.,

Petitioners,

397 vs.

The United States of America.

On petition for writ of certiorari to the United Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Triangle Conduit & Cable Company, Inc.,

Petitioner,

399 vs.

National Electric Products Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Joe Lash,

Petitioner,

407 vs.

State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Andrew Jergens,

Petitioner,

413 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

M. W. Alworth and R. D. Alworth, as Trustees Under the Last Will and Testament of M. H. Alworth, Deceased,

Petitioners,

416 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Missouri Pacific Railroad Company, Debtor, et al.,

Petitioners,

85 vs.

Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied as to the petitioner Protective Committee for Holders of First Mortgage Bonds of International-Great Northern Railroad Company.

It appearing to the Court that counsel for the other petitioners in this case, Missouri Pacific Railroad Company, Debtor, et al., have filed a motion to dismiss the petition for certiorari as to them,

Therefore, pursuant to said motion, it is ordered that the petition for certiorari in this case as to the other petitioners herein, Missouri Pacific Railroad Company, Debtor, et al., be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Protective Committee for Holders of Common Stock of Missouri Pacific Railroad Company, Debtor,

Petitioner,

86 vs.

Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

It appearing to the Court that counsel for the petitioner have filed a motion to dismiss the petition for certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Alleghany Corporation,

Petitioner,

87 vs.

Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

It appearing to the Court that counsel for the petitioner have filed a motion to dismiss the petition for certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Sada Yoshimuma, as Debtor,

Petitioner,

363 vs.

Oberdorfer Realty Agency and Marvin G. Russell, Receiver.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lester Ettman,

Petitioner,

426 vs.

Federal Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black is of the opinion that the petition for writ of certiorari should be granted.

J. Ralph De Marcos,

Petitioner,

295 vs.

Dr. Winfred Overholser, Superintendent of Saint Elizabeth's Hospital.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

J. Ralph De Marcos,

Petitioner,

295 vs.

Dr. Winfred Overholser, Superintendent of Saint Elizabeth's Hospital.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per. Mr. Chief Justice Stone.

Fannie L. Lonas,

Petitioner,

367 vs.

National Linen Service Corporation.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Fannie L. Lonas,

Petitioner,

367 vs.

National Linen Service Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it ismow here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Martin Kane Flavin,

Petitioner,

394 vs.

Franklin Society for Home Building and Savings.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Martin Kane Flavin,

Petitioner,

394 vs.

Franklin Society for Home Building and Savings.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Garfield J. Kelly,

Petitioner,

408 vs.

Alfred P. Dowd, Warden, Indiana State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Garfield J. Kelly,

Petitioner,

408 vs.

Alfred P. Dowd, Warden, Indiana State Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Norman Baker, Norman Baker, Inc.
and Thelma Yount,

Petitioner,

369 vs.

Dortha Bellows, Executrix of the
Estate of R. A. Bellows, Deceased.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Norman Baker, Norman Baker, Inc.
and Thelma Yount,

Petitioners,

369 vs.

Dortha Bellows, Executrix of the
Estate of R. A. Bellows, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Tasty Baking Company,

Petitioner,

347 vs.

The United States.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Louis Burall,

Petitioner,

987 O.T. 1942 vs.

James A. Johnston, Warden, etc.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Truman B. Wayne,

Petitioner,

240 vs.

William W. Robinson, Jr., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

The Swan Carburetor Company,

Petitioner,

92 vs.

The Nash Motor Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

V. W. Petty,

Petitioner,

96 vs.

Missouri and Arkansas Railway Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Paul H. Barnes,

Petitioner,

121 vs.

Commonwealth of Pennsylvania,
ex rel. Emma K. Barnes.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy Carleton Denney,

Petitioner,

168 vs.

The Fort Recovery Banking Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Allen M. Snyder,

Petitioner,

185 vs.

The Provident Trust Co.,
Successor, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jim Skidmore, et al.,

Petitioners,

218 vs.

Swift & Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William T. Reid,

Petitioner,

247 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George C. Bennett,

Petitioner,

268 vs.

Julius DeGeeter.

A petition for rehearing having been filed in this case.

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Georgia M. Spruill,

Petitioner,

277 vs.

Thomas T. Newby, Chairman, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wade S. Thomson, et al.,

Petitioners,

281 vs.

Leta Butler, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

V. D. Payne,

Appellant,

294 vs.

J. A. Kirchwehm.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George W. Green, et al.,

Petitioner,

313 vs.

City of Stuart, Florida.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

In re Amos Gayle,

Petitioner.

372

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

It appearing to the Court that counsel for the petitioner has filed a motion to dismiss the petition for certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the petition for certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Cafeteria Employees Union,
Local 302, et al.,

Petitioners,

36 vs.

Gus Angelos, et al.; and

Cafeteria Employees Union,
Local 302, et al.,

Petitioners,

37 vs.

Elias Tsakires, et al.

Argued by Mr. Louis B. Boudin for the petitioners and cases submitted by Mr. Abraham Michael Katz for the respondents.

Colgate-Palmolive-Peet Company,

Petitioner,

38 vs.

The United States of America; and

Colgate-Palmolive-Peet Company,

Petitioner,

39 vs.

The United States of America.

Argued by Mr. Mason Trowbridge for the petitioner and Mr. Alvin J. Rockwell for the respondent.

John V. Dobson,

Petitioner,

44 vs.

Commissioner of Internal Revenue;

E. W. Dobson,

Petitioner,

45 vs.

Commissioner of Internal Revenue;

Estate of James N. Collins,
deceased, etc.,

Petitioner,

46 vs.

Commissioner of Internal Revenue; and

H. J. Harwick,

Petitioner,

47 vs.

Commissioner of Internal Revenue.

Argued by Mr. William L. Prosser for the petitioners and by Mr. Samuel H. Levy for the respondent.

Ford Motor Company,

Petitioner,

49 vs.

Gordon Form Lathe Company; and

Ford Motor Company,

Petitioner,

50 vs.

Gordon Form Lathe Company.

Argument commenced by Mr. I. Joseph Farley for the petitioner.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 1 o'clock.

TUESDAY, NOVEMBER 9TH, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Emmalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Bennett C. Clark, It is ordered that John W. Joynt, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Gwynne, It is ordered that Jens Grothe, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand W. Gearhart, It is ordered that Kenneth G. Avery, Esquire, of Fresno, State of California, and A. L. Pierovich, Esquire, of Jackson, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter W. Ahrens, It is ordered that George Addison Hobart, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham M. Lowenthal, It is ordered that Thomas J. McBride, Esquire, of Youngstown, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benj. B. Taylor, It is ordered that Benjamin Brown Taylor, Jr., Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas P. Healy, It is ordered that Harold Hamilton McLean, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court by Mr. Lester Goodwin Budlong, It is ordered that Newton A. Burgess, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Henry P. Goldstein, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Ford Motor Company,

Petitioner,

49 vs.

Gordon Form Lathe Company; and

Ford Motor Company,

Petitioner,

50 vs.

Gordon Form Lathe Company.

Argument continued by Mr. I. Joseph Farley for the petitioner; by Mr. P. O. Richey for the respondent; and concluded by Mr. George D. Spohn for the respondent.

Interstate Commerce Commission,
et al.,

Appellants,

43 vs.

Hoboken Manufacturers' Railroad
Company.

Argued by Mr. Edward M. Reidy for the appellant, Interstate Commerce Commission; by Mr. Willis T. Pierson for the appellants, Baltimore and Ohio Railroad Company, et al.; and by Mr. Parker McCollester for the appellee.

The Brotherhood of Railroad
Trainmen, Enterprise Lodge,
No. 27, et al.,

Petitioners,

28 vs.

Toledo, Peoria & Western Railroad.

Argument commenced by Mr. John E. Cassidy for the petitioners.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. Roland Kinzer, It is ordered that Rodney Trenton Schroyer, Esquire, of Waynesboro, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl Ramage Lewis, It is ordered that Roy Wood Lewis, Esquire, of Saint Clairsville, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abner J. Swanson, It is ordered that Philip F. Schmehl, Esquire of Reading, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurgood Marshall, It is ordered that William J. Durham, Esquire of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Gerald Toye, It is ordered that Warren H. Willner, Esquire of Richmond, State of Virginia, be admitted to practice as an Attorney and Counsellor of this

On motion first made to the Court in this behalf by Mr. Samuel W. McIntosh, It is ordered that Ralston P. Edmunds, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Joyner, It is ordered that Reginald Lyon Dyer, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Houston, It is ordered that William H. Hastie, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. McNeill, It is ordered that Ira J. Schuster, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

The United States of America,
ex rel. Gene McCann,

Petitioner,

371 vs.

William A. Adams, Warden, etc.,
et al.

It appearing to the Court that a stipulation to issue the mandate immediately in this case has been filed,

Therefore, pursuant to said stipulation, it is ordered that the mandate in this case be issued forthwith.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The Brotherhood of Railroad Trainmen, Enterprise Lodge, No. 27, et al.,

Petitioners,

28 vs.

Toledo, Peoria & Western Railroad.

Argument continued by Mr. John E. Cassidy for the petitioners and concluded by Mr. Clarence W. Heyl for the respondent. Leave granted petitioners to file an additional brief on or before November 18, next.

The Order of Railroad Telegraphers,

Petitioner,

343 vs.

Railway Express Agency, Incorporated.

Argued by Mr. William G. McRae for the petitioner and by Mr. Blair Foster for the respondent.

Lonnie E. Smith,

Petitioner,

51 vs.

S. E. Allwright, Election Judge, et al.

Argument commenced by Mr. Thurgood Marshall for the petitioner and continued by Mr. William H. Hastie for the petitioner.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Friday, November 12th, next, at 12 o'clock.

FRIDAY, NOVEMBER 12, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Charles Kanter, Esquire, and Elias A. Kanter, Esquire, of Newark, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Whittington, It is ordered that Willie Yeates Rylee, of Clarksdale, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Christopher M. Jenks, It is ordered that Darrel L. Hodson, Esquire, of Kokomo, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James L. Magrish, It is ordered that Hugh M. Joseloff, Esquire, of West Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Lonnie E. Smith,

Petitioner,

51 vs.

S. E. Allwright, Election Judge, et al.

Argument concluded by Mr. William H. Hastie for the petitioner. No appearance for the respondents.

Commissioner of Internal Revenue,

Petitioner,

53 vs.

Gooch Milling & Elevator Company.

Argued by Miss Helen R. Carloss for the petitioner and by Mr. D. M. Kelleher for the respondent.

Commissioner of Internal Revenue,

Petitioner,

63 vs.

S. B. Heininger.

Argued by Mr. Valentine Brookes for the petitioner and by Mr. Floyd Lanham for the respondent.

McLean Trucking Company, Inc., The Secretary of Agriculture of the United States, et al.,

Appellants,

31 vs.

The United States of America, Interstate Commerce Commission, et al.

Four hours allowed for oral argument. Argument commenced by Mr. Arne C. Wiprud for the appellant, The Secretary of Agriculture and continued by Mr. Daniel W. Knowlton for the appellee, Interstate Commerce Commission.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, November 15, next, at 12 o'clock.

MONDAY, NOVEMBER 15, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Stephen Arnold Mitchell, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis E. Miller, It is ordered that Charles Wheeler Green, Esquire, of De Soto, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen H. Philbin, It is ordered that Joseph D. Stecher, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther Day, It is ordered that Thomas O. Mevison, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph W. Wilkins, It is ordered that Ruth Lloyd, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and she

On motion first made to the Court in this behalf by Mr. Chas. P. Consaul, It is ordered that Roy K. Murphey, Esquire, of Morristown, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred E. Miller, It is ordered that Fred Andrew Smith, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Cahill, It is ordered that Jerrold G. Van Cise, Esquire, of New York, State of New York, and Stuart S. Wall, Esquire, of Toledo, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Veld, It is ordered that W. M. Whitman, Esquire, of Balboa Heights, Canal Zone, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris Amchan, It is ordered that Louis Glickhouse, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert T. Swaine, It is ordered that Nestor Shea Foley, Esquire, of New York, State of New York, and Roy T. Parker, Jr., Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Benton, It is ordered that Frederick G. Hamley, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Merchants National Bank of Boston, Executor,

Petitioner,

30 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Jackson concurs.

- - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - -

Fred Bennett,

Appellant,

452 vs.

City of Dalton, Georgia.

Appeal from the Court of Appeals of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Georgia, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Mike Marvich,

Petitioner,

60 vs.

The People of the State of California and Clyde I. Plummer, Warden, et al.

On writ of certiorari to the Supreme Court of the State of California.

It appearing to the Court that counsel for the respondents have filed a motion to remand this case to the Supreme Court of the State of California;

ON CONSIDERATION THEREOF, It is ordered by this Court that the said motion be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the judgment of the said Supreme Court in this cause be, and the same is hereby, vacated without costs to either party in this Court; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the clerk and will not be announced orally."

- - - - - - - - - -

In the Matter of George S. Wolbert.

——,

It appearing to the Court that George S. Wolbert died on July 26, 1943, during the pendency of the rule to show cause issued herein,

THEREFORE, It is ordered that the order of disbarment entered by this Court on October 4, 1943, be, and the same is hereby, vacated and that the rule to show cause issued on June 21, 1943, be, and the same is hereby, discharged as moot.

Per Mr. Chief Justice Stone.

Ex parte Kenneth M. Ring,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Paul S. Campbell,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte George Diehl,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Jake Hinley,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Kenneth L. Hendrix,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Rex Bayless,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS OERDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank E. Potts,

Petitioner.

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Corning Glass Works, et al.,

Appellants,

8 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to withdraw the appearance of Boykin C. Wright, as counsel for the appellants in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Bain Peanut Company of Texas,

Petitioner,

91 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion of counsel for the Insular Sugar Refining Corporation for leave to participate in the oral argument as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Hazel-Atlas Glass Company,

Petitioner,

398 vs.

Hartford-Empire Company; and

Shawkee Manufacturing Company, et al.,

Petitioners,

423 vs.

Hartford-Empire Company.

ON CONSIDERATION of the motion of counsel for respondent in these cases to extend the time within which to file briefs in opposition to the petitions for certiorari,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended until December 1', next.

Per Mr. Chief Justice Stone.

Prentiss M. Brown, as Administrator, etc.,

Appellant,

464 vs.

Mrs. Kate C. Willingham and J. R. Hicks, Jr.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is assigned for argument immediately following Nos. 374 and 375.

Per Mr. Chief Justice Stone.

Universal Oil Products Company,
Petitioner,
392 vs.
Globe Oil & Refining Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Tennessee Coal, Iron & Railroad Company, Sloss-Sheffield Steel & Iron Company and Republic Steel Corporation,
Petitioners,
409 vs.
Muscoda Local No. 123, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America,
Petitioner,
395 vs.
Elinor Close Cushman, Executrix of the Last Will of William R. Cushman, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Augustus E. Staley, Jr., Executor of the Last Will and Testament of Augustus E. Staley, Sr., Deceased,

Petitioner,

419 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Hartford-Empire Company,

Petitioner,

424 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Inland Steel Company,

Petitioner,

427 vs.

Foreman M. Lebold and Samuel N. Lebold.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Inland Steel Company,
Petitioner,
428 vs.
Foreman M. Lebold and Samuel N. Lebold.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Foreman M. Lebold and Samuel N. Lebold,
Petitioners,
429 vs.
Inland Steel Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Foreman M. Lebold and Samuel N. Lebold,
Petitioners,
430 vs.
Inland Steel Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Stanley W. Taylor,

Petitioner,

305 vs.

Prentiss M. Brown, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. L. Wilkey and J. L. Wilkey, Adjuster, Inc., a Corporation,

Petitioner,

400 vs.

State of Alabama, ex rel. Jim C. Smith and Jim C. Smith.

ON CONSIDERATION of the motions of Benjamin P. Burman and Vincent Scully, Partners in Trade as Standard Claims Adjustment Service; Nichols Company, Pennsylvania Casualty Company; Indiana Association Independent Insurance Adjusters; Trinity Universal Insurance Company; and Forrest A. Betts for leave to file briefs as amici curiae in this case,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black took no part in the consideration or decision of these motions.

J. L. Wilkey and J. L. Wilkey, Adjuster, Inc., a Corporation,

Petitioner,

400 vs.

State of Alabama, ex rel. Jim C. Smith and Jim C. Smith.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louis H. Egan,
Petitioner,
410 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Douglas, and Mr. Justice Jackson took no part in the consideration or decision of this application.

Union Electric Company of Missouri,
Petitioner,
414 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Justice Roberts.

The Chief Justice, Mr. Justice Douglas, and Mr. Justice Jackson took no part in the consideration or decision of this application.

Meyer Abrams, Harry J. Myerson and Fannie B. Stern, Executrix of the Estate of Joseph L. Stern, Deceased,
Petitioner,
415 vs.
Cleveland Terminals Building Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Bernard Paul Coy,

Petitioner,

251 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Bernard Paul Coy,

Petitioner,

251 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The People of the State of Illinois, ex rel. William Vieaux,

Petitioner,

411 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary at Joliet, Illinois, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The People of the State of Illinois, ex rel. William Vieaux,

Petitioner,

411 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary at Joliet, Illinois, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Wade,

Petitioner,

418 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Wade,

Petitioner,

418 vs.

The People of the State of New York.

On petition for writ of certiorari to the County Court of the State of New York, Westchester County.

ON CONSIDERATION of the petition for a writ of certiorari herein to the County Court of the State of New York, Westchester County, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mark C. Murphy,

Petitioner,

442 vs.

The State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mark C. Murphy,

Petitioner,

442 vs.

The State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lawrence Maynard,

Petitioner,

450 vs.

State of Michigan.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Lawrence Maynard,

Petitioner,

450 vs.

State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William A. Doss,

Petitioner,

100 vs.

People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Anna Royer, Administratrix, etc.,

Petitioner,

124 vs.

Jerome K. Greiner.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Trojan Powder Company,

Petitioner,

201 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter Ford Gormly,

Petitioner,

220 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daniel W. Norris, et al., as Executors, etc.,

Petitioners,

238 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

G. T. Pogle & Company,

Petitioner,

330 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The Court will take a recess from Monday, November 22d, until Monday, December 6, next.

- - - - - - - - - -

Ex parte United States of America,
upon the relation and for the use
of the Tennessee Valley Authority,

Petitioner,

---,

Motion for leave to file petition for writ of mandamus or writ of prohibition presented.

McLean Trucking Company, Inc.,
The Secretary of Agriculture of
the United States, et al.,

Appellants,

31 vs.

The United States of America,
Interstate Commerce Commission,
et al.

Argument continued by Mr. Daniel W. Knowlton for the appellee, Interstate Commerce Commission; by Mr. Mortimer Allen Sullivan for appellees, Associated Transport, Inc., et al.; and concluded by Mr. Arne C. Wiprud for the appellants. Case submitted by Mr. E. B. Ussery for appellant, McLean Trucking Company; and Mr. Martin Burns and Mr. Paul E. Mathias for appellant, American Farm Bureau Federation.

Hartford-Empire Company, et al.,

Appellants,

7 vs.

The United States of America;

Corning Glass Works, et al.,

Appellants,

8 vs.

The United States of America;

Owens-Illinois Glass Company, et al.,

Appellants,

9 vs.

The United States of America;

Hazel-Atlas Glass Company, et al.,

Appellants,

10 vs.

The United States of America;

Thatcher Manufacturing Company, et al.,

Appellants,

11 vs.

The United States of America;

Lynch Corporation, et al.,

Appellants,

12 vs.

The United States of America;

Ball Brothers Company, et al.,

Appellants,

13 vs.

The United States of America;

Glass Container Association of America, Inc., et al.,

Appellants,

14 vs.

The United States of America;

Isaac J. Collins,

Appellant,

15 vs.

The United States of America; and

T. C. Fulton, et al.,

Appellants,

16 vs.

The United States of America.

Thirteen hours allowed for oral argument. Argument commenced by Mr. John T. Cahill for the appellants in No. 7; continued by Mr. Thurlow M. Gordon for the appellants in No. 8; and by Mr. Stephen H. Philbin for the appellants in No. 10.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George D. O'Brien, It is ordered that Barry T. Whipple, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest R. Mortenson, It is ordered that Walter J. Derenberg, Esquire of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that John C. Pinley, Jr., Esquire, of Ashdown, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Northcutt Ely, It is ordered that Charles R. Holton, Esquire, of Whittier, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Davies Warehouse Company,

Petitioner,

112 vs.

Prentiss M. Brown, Price Administrator.

ON CONSIDERATION of the motion to substitute Chester Bowles, present Price Administrator, as the party respondent in this case in the place of Prentiss M. Brown, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

Mars, Inc.,

Petitioner,

299 vs.

Prentiss M. Brown, Administrator, etc.

ON CONSIDERATION of the motion to substitute Chester Bowles, present Price Administrator, as the party respondent in this case in the place of Prentiss M. Brown, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

Stanley W. Taylor,

Petitioner,

305 vs.

Prentiss M. Brown, Price Administrator.

ON CONSIDERATION of the motion to substitute Chester Bowles, present Price Administrator, as the party respondent in this case in the place of Prentiss M. Brown, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

The Hecht Company,

Petitioner,

316 vs.

Prentiss M. Brown, Price Administrator, etc.

ON CONSIDERATION of the motion to substitute Chester Bowles, present Price Administrator, as the party respondent in this case in the place of Prentiss M. Brown, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

Fred M. Vinson, Director of Economic Stabilization, by Prentiss M. Brown, Administrator, Office of Price Administration,

Petitioner,

396 vs.

Washington Gas Light Company, et al.

ON CONSIDERATION of the motion to substitute Chester Bowles, present Price Administrator, as petitioner in this case in the place of Prentiss M. Brown, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

Prentiss M. Brown, as Administrator, etc.,

Appellant,

484 vs.

Mrs. Kate C. Willingham, et al.

ON CONSIDERATION of the motion to substitute Chester Bowles, present Price Administrator, as the party appellant in this case in the place of Prentiss M. Brown, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

Safeway Stores, Inc.,

Petitioner,

481 vs.

Prentiss M. Brown, Administrator, etc.

ON CONSIDERATION of the motion to substitute Chester Bowles, present Price Administrator, as the party respondent in this case in the place of Prentiss M. Brown, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

United States Gypsum Company,

Petitioner,

476 vs.

Chester Bowles, Acting Price Administrator.

ON CONSIDERATION of the motion to substitute Chester Bowles, present Price Administrator, as the party respondent in this case in the place of Chester Bowles, as Acting Price Administrator,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Hartford-Empire Company, et al.,

Appellants,

7 vs.

The United States of America;

Corning Glass Works, et al.,

Appellants,

8 vs.

The United States of America;

Owens-Illinois Glass Company, et al.,

Appellants,

9 vs.

The United States of America;

Hazel-Atlas Glass Company, et al.,

Appellants,

10 vs.

The United States of America;

Thatcher Manufacturing Company, et al.,

Appellants,

11 vs.

The United States of America;

Lynch Corporation, et al.,

Appellants,

12 vs.

The United States of America;

Ball Brothers Company, et al.,

Appellants,

13 vs.

The United States of America;

Glass Container Association of America, Inc., et al.,

Appellants,

14 vs.

The United States of America;

Isaac J. Collins,

Appellant,

15 vs.

The United States of America; and

T. C. Fulton, et al.,

Appellants,

16 vs.

The United States of America.

Argument continued by Mr. Stephen H. Philbin for the appellants in No. 10; by Mr. Robert T. Swaine for the appellants in No. 9; by Mr. E. W. McCallister for the appellants in No. 13; by Mr. Lehr Fess for the appellants in No. 12; by Mr. Ralph Emery for the appellants in No. 11; by Mr. Fred E. Fuller for the appellants in Nos. 15 and 16; by Mr. Luther Day for the appellants in No. 14; and by Mr. Samuel S. Isseks for the appellee.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, NOVEMBER 17, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Vernon M. Dorsey, It is ordered that Frederick Hawley Knight, Esquire, of Corning, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin A. Mooers, It is ordered that Solomon J. Pokrass, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick R. Gibbs, It is ordered that James Fulton Hoge, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl I. Wheat, It is ordered that Frederick W. Mielke, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Hartford-Empire Company, et al.,

Appellants,

7 vs.

The United States of America;

Corning Glass Works, et al.,

Appellants,

8 vs.

The United States of America;

Owens-Illinois Glass Company, et al.,

Appellants,

9 vs.

The United States of America;

Hazel-Atlas Glass Company, et al.,

Appellants,

10 vs.

The United States of America;

Thatcher Manufacturing Company, et al.,

Appellants,

11 vs.

The United States of America;

Lynch Corporation, et al.,

Appellants,

12 vs.

The United States of America;

Ball Brothers Company, et al.,

Appellants,

13 vs.

The United States of America;

Glass Containers Association of America, Inc., et al.,

Appellants,

14 vs.

The United States of America;

Isaac J. Collins,

Appellant,

15 vs.

The United States of America; and

T. C. Fulton, et al.,

Appellants,

16 vs.

The United States of America.

Argument continued by Mr. Samuel S. Isseks for the appellee and by Mr. Assistant Attorney General Cox for the appellee.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Ray J. Madden, It is ordered that Timothy P. Galvin, Esquire, of Hammond, State of Indiana; Edmond J. Leeney, Esquire, of Hammond, State of Indiana, and Harry Hugh Stilley, Esquire, of Hammond, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Bruce Fuller, It is ordered that Morris H. Cohn, Esquire, of Newark, State of New Jersey, and George Furst, Esquire, of Newark, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben S. Fisher, It is ordered that Geo. Black, Jr., Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Hamer Finn, It is ordered that John S. Arcana, Esquire, of Mineola, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Cecil Kilpatrick, It is ordered that Charles Effinger Smoot, Esquire, of Washington, District of Columbia, and Cecil A. Beasley, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred W. Shields, It is ordered that Wm. Walker Johnson, Esquire, of Cincinnati, State of Ohio, and Charles D. Marsh, Esquire, of Cleveland, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester August Danielson, It is ordered that Benjamin Daily Frantz, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Hartford-Empire Company, et al.,
Appellants,
7 vs.
The United States of America;
Corning Glass Works, et al.,
Appellants,
8 vs.
The United States of America;
Owens-Illinois Glass Company, et al.,
Appellants,
9 vs.
The United States of America;
Hazel-Atlas Glass Company, et al.,
Appellants,
10 vs.
The United States of America;
Thatcher Manufacturing Company, et al.,
Appellants,
11 vs.
The United States of America;

Lynch Corporation, et al.,

Appellants,

12 vs.

The United States of America;

Ball Brothers Company, et al.,

Appellants,

13 vs.

The United States of America;

Glass Container Association of America, Inc., et al.,

Appellants,

14 vs.

The United States of America;

Isaac J. Collins,

Appellant,

15 vs.

The United States of America; and

T. C. Fulton, et al.,

Appellants,

16 vs.

The United States of America.

Argument continued by Mr. Assistant Attorney General Cox for the appellee; by Mr. E. W. McCallister for the appellants in No. 13; by Mr. Robert T. Swaine for the appellants in No. 9; and concluded by Mr. John T. Cahill for the appellants in No. 7.

Davies Warehouse Company,

Petitioner,

112 vs.

Chester Bowles, Price Administrator.

Argued by Mr. Reginald L. Vaughan for the petitioner and by Mr. Nathaniel L. Nathanson for the respondent.

Estate of Henry H. Rogers,
deceased, et al., etc.,

Petitioners,

66 vs.

Guy T. Helvering, Commissioner of
Internal Revenue.

Argument commenced by Mr. John W. Drye, Jr., for the petitioner, and continued by Mr. Assistant Attorney General Samuel O. Clark, Jr., for the respondent.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, NOVEMBER 19, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Louis E. Miller, It is ordered that Leo F. Laughren, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Valentine Brookes. It is ordered that Robert W. Kenny, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard S. Salant, It is ordered that Charles H. Walker, Esquire, of New York, State of New York, and Robert B. Whittredge, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Henry Lewin, It is ordered that Wendell D. Allen, Esquire, of Baltimore, State of Maryland, and Alexander Gordon, III, Esquire, of Baltimore, State of Maryland, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Leonard Allen, It is ordered that Harvey Locke Carey, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Estate of Henry H. Rogers, deceased, et al.,

Petitioners,

66 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. Assistant Attorney General Samuel O. Clark, Jr., for the respondent and concluded by Mr. John W. Drye, Jr., for the petitioners.

Crescent Express Lines, Inc.,

Appellant,

65 vs.

The United States of America, et al.

Argued by Mr. George H. Rosen for the appellant and by Mr. Edward M. Reidy for the appellees, The United States and Interstate Commerce Commission, and case submitted by Mr. Henry P. Goldstein for the appellee, Mountain Transit Corporation, and by Mr. James F. X. O'Brien for appellee, Hudson Transit Lines, Inc.

Mick Falbo,

Petitioner,

73 vs.

The United States of America.

Argued by Mr. Hayden C. Covington for the petitioner and by Mr. Solicitor General Fahy for the respondent.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, November 22, next at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Biddle, It is ordered that Chas. S. Reid, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Kenneth Clayton West, Esquire, of Kansas City, State of Missouri, and Ernest Elias Williams, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred Schwertner, It is ordered that William E. Friedman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sveinbjorn Johnson, It is ordered that Charles F. Short, Jr., Esquire, of Chicago, State of Illinois, and Paul MacGuffin, Esquire, of Libertyville, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude Pepper, It is ordered that William Gresham Ward, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee I. Park, It is ordered that John Edwin Lesow, Jr., Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles C. Collins, It is ordered that I. Henry Harris, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman L. Dodson, It is ordered that Roy L. Washington, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Roland Rich Woolley, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Midstate Horticultural Co., Inc., Petitioner, vs. The Pennsylvania Railroad Company. On writ of certiorari to the Supreme Court of the State of California.

40

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Rutledge.

Securities and Exchange Commission, Petitioner, vs. C. M. Joiner Leasing Corporation and C. M. Joiner.

24

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Texas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Dissenting: Mr. Justice Roberts.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Switchmen's Union of North America, in its own right, etc., T. C. Cashen, et al., Petitioners, vs. National Mediation Board, George A. Cook, William M. Leiserson, et al.

48

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed, each party in this Court, except the National Mediation Board and its individual members, to pay its or his own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for

proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Black and Mr. Justice Rutledge took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Reed in which Mr. Justice Roberts and Mr. Justice Jackson join.

General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Missouri-Kansas-Texas Railroad, an Unincorporated Association,

Petitioner,

vs.

Missouri-Kansas-Texas Railroad Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

23

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, each party in this Court to pay its own costs; and that this cause be, and the same is hereby, remanded to the District Court of the UnitedStates for the Northern District of Texas for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson concurs in the result.

Dissenting: Mr. Justice Roberts and Mr. Justice Reed.

General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Pacific Lines of Southern Pacific Company,

Petitioner,

27 vs.

Southern Pacific Company and General Grievance Committee of the Brotherhood of Locomotive Firemen and Enginemen (an Unincorporated Association); and

General Grievance Committee of the Brotherhood of Locomotive Firemen and Enginemen (an Unincorporated Association),

Cross-Petitioner,

41 vs.

General Committee of Adjustment of the Brotherhood of Locomotive Engineers for the Pacific Lines of Southern Pacific Company, etc., et al.

On writs of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, each party in this Court to pay its own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Jackson concurs in the result.

Dissenting: Mr. Justice Roberts and Mr. Justice Reed.

The United States of America,

Petitioner,

5 vs.

Joseph H. Dotterweich.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this

Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Roberts, Mr. Justice Reed and Mr. Justice Rutledge join.

Cafeteria Employees Union, Local 302, and William Mesevich,

Petitioners,

36 vs.

Gus Angelos, John Harris, Lucas Harris, et al.

On writ of certiorari to the Court of Appeals of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Frankfurter.

Cafeteria Employees Union, Local 302, and William Mesevich,

Petitioners,

37 vs.

Elias Tsakires, Kallis Constantinon, Christ Lymbouris, et al.

On writ of certiorari to the Court of Appeals of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Frankfurter.

Frank Roberts,

Petitioner,

19 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Alabama for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice and Mr. Justice Reed concur.

- - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

Anthony Wilson,

Appellant,

437 vs.

State of Louisiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Anthony Wilson,

Appellant,

vs.

State of Louisiana.

Appeal from the Supreme Court of the State of Louisiana.

437

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

It is further ordered that the appeal herein be, and the same is hereby, dismissed it appearing that the decision is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

Ex parte C. E. Phillips,

Petitioner,

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John Keating,

Petitioner,

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William A. Youell,

Petitioner,

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

453 vs.

Wabash Railroad Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

436 vs.

James V. Reuter, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

General Trading Company, a Corporation, Doing Business as Minneapolis Iron Store,

441 vs.

State Tax Commission of the State of Iowa.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Iowa is granted. The case is transferred to the summary docket and assigned for argument immediately following No. 311, which is also placed on the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Walter B. Johnson, T. R. Husted, B. A. West, et al.,

Petitioners,

447 vs.

Yellow Cab Transit Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted, and the case is assigned for argument immediately following No. 198 which is set to follow No. 134.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

W. D. Lyons,

Petitioner,

433 vs.

The State of Oklahoma.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

W. D. Lyons,

Petitioner,

433 vs.

The State of Oklahoma.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Criminal Appeals of the State of Oklahoma is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Butler Brothers,

Petitioner,

274 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Alex Wasleff, Doing Business as Alex Wasleff Building Maintenance Co.,

Petitioner,

380 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The American Distilling Company,
Petitioner,
420 vs.
Los Angeles Warehouse Company.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William K. Jacobs, Jr.,
Petitioner,
425 vs.
Jane M. Hoey, as Executrix of the Estate of James J. Hoey, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Vincent Raymond Dunne, James P. Cannon, Edward Palmquist, et al.,
Petitioners,
431 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Morris U. Schappes,
Petitioner,
434 vs.
People of the State of New York.

On petition for writ of certiorari to the Court of General Sessions of the County of New York, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of General Sessions of the County of New York, State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harden Mortgage Loan Company,
Petitioner
443 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

C. K. Benson and W. Havard Perkins, Doing Business as Perkins and Company, a Partnership,
Petitioners,
446 vs.
L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Wayne Apartments, Inc., Laredo Apartments, Inc., York Apartments, Inc., et al.,

Petitioners,

465 vs.

Michigan Unemployment Compensation Commission.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Max Krauss, Trading as American Cord and Webbing Company,

Petitioner,

473 vs.

Benjamin Greenbarg and Joseph Greenbarg, Trading as King Kard Overall Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Harold L. Ickes, Secretary of the Interior,

Petitioner

402 vs.

Mazine Z. Fox, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

Harold L. Ickes, Secretary of the Interior,

Petitioner,

403 vs.

Philip Louis Parks, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

Harold L. Ickes, Secretary of the Interior,

Petitioner,

404 vs.

Christina Mariea Eder, Executrix of the Last Will and Testament of Jacob F. Ottmuller, Deceased.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

432 vs.

A. I. Levorsen, et al.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

432 vs.

A. I. Levorsen, et al.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Eugene W. Osment,

Petitioner,

444 vs.

Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers of the Wabash Railway Company.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a reviewable judgment of the highest court of the state.

Per Mr. Chief Justice Stone.

The Niagara Falls Power Company,

Petitioner,

448 vs.

Federal Power Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Jack L. Carroll,

Petitioner,

292 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jack L. Carroll,

Petitioner,

292 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Raymond Pyle,

Petitioner,

459 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

should be 264

MONDAY, DECEMBER 6, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that K. Norman Diamond, Esquire, of Brooklyn, State of New York; Sidney Isaacs, Esquire, of Cincinnati, State of Ohio; Jep S. Fuller, Esquire, of Port Arthur, State of Texas; Robert E. Mills, Esquire, of Ottawa, State of Illinois; and Clyde A. Epperson, Esquire, of Miami, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ray J. Madden, It is ordered that Samuel S. Dubin, Esquire of Gary, State of Indiana; John E. Roszkowski, Esquire, of Gary, State of Indiana; Richard H. MacCracken, Esquire, of Gary, State of Indiana; and Richard P. Tinkham, Esquire, of Hammond, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Anthony J. Diamond, It is ordered that Robert Wesley Castleberry, Esquire, of Port Worth , State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Raymond Pyle, Petitioner,

Petitioner,

459 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

J. Ralph DeMarcos,

Petitioner,

295 vs.

Dr. Winfred Overholser, Superintendent of Saint Elizabeths Hospital.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wildon Lloyd,

Petitioner,

335 vs.

United States Fidelity & Guaranty Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, December 6th, at 12 o'clock.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that John K. Butt, Esquire, of Eureka Springs, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Ara Russell Ash, Jr., Esquire, of Cordell, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Cox, It is ordered that Jefferson Edwin Peyser, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Beatrice A. Clephane, It is ordered that Marshall L. Bowden, Esquire, of Suffolk, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Helen Rembert Carloss, It is ordered that Eula Brakke Hadlick, of Jefferson City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Theodore A. Hostetler, It is ordered that Nadine Lane Gallagher, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. William W. Johnson, It is ordered that Richard FitzPatrick, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph H. White, It is ordered that Herbert Homer Holland, Esquire, of Dubuque, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Willard Hayes, It is ordered that Collins Mason, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Perry W. Howard, It is ordered that W. A. Singfield, Sr., Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Harry LaBrum, It is ordered that Charles A. Van Hagen, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Freeman, It is ordered that George H. Fisher, Esquire, of Saint Louis Park, State of Minnesota, and Charles B. Spangenberg, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Epstein, It is ordered that Samuel Fishman, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edgar J. Goodrich, It is ordered that Emanuel G. Scoblionko, Esquire, of Allentown, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard R. Atkinson, It is ordered that Henry Lincoln Johnson, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Commissioner of Internal Revenue,
Petitioner,
53 vs.
Gooch Milling and Elevator Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and the judgment of the Board of Tax Appeals affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Estate of Henry H. Rogers, Deceased, Adrian H. Larkin, Albert Stickney and Central Hanover Bank and Trust Company, Executors,
Petitioners,
66 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Frankfurter.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by the Chief Justice and Mr. Justice Roberts announced by the Chief Justice.

Crescent Express Lines, Inc.,
Appellant,
65 vs.
The United States of America,
Interstate Commerce Commission,
Hudson Transit Lines, Inc., et al.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Reed.

The State of Colorado,
Complainant,
5, Original vs.
The State of Kansas, et al.

It is ordered that a decree should be entered enjoining the further prosecution of the Finney County Association's suits in accordance with the opinion of this Court and dismissing the prayers of both States for other relief. The parties may submit such a decree.

Per Mr. Justice Roberts.

Interstate Commerce Commission,
The Baltimore and Ohio Railroad Company, et al.,
Appellants,
43 vs.
Hoboken Manufacturers' Railroad Company.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

It is further ordered that the appellants in this Court.

except the Interstate Commerce Commission, recover their taxable costs in this Court from the appellee herein, Hoboken Manufacturers' Railroad Company.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The Chief Justice announced the following orders of the Court.

Ford Motor Company, Petitioner, vs. Gordon Form Lathe Company. 49

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

Ford Motor Company, Petitioner, vs. Gordon Form Lathe Company. 50

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this case.

The Second National Bank of St. Clairsville, Ohio,

Appellant,

421 vs.

Homer J. Findley, as County Treasurer of Belmont County, Ohio, et al.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

The First National Bank of St. Clairsville, Ohio,

Appellant,

422 vs.

Homer J. Findley, as County Treasurer of Belmont County, Ohio, et al.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees, et al.,

Petitioners,

435 vs.

United Transport Service Employees of America, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone. -

Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees, et al.,

Petitioners,

435 vs.

United Transport Service Employees of America, et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed, each party in this Court to pay its own costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for proceedings in conformity with the opinions of this Court in the cases of General Committee of Adjustment vs. Missouri-Kansas-Texas Railroad Co.; General Committee of Adjustment vs. Southern Pacific Company; General Grievance Committee vs. General Committee of Adjustment; and Switchmen's Union of North America vs. National Mediation Board, Nos. 23, 27, 41, and 48, respectively, decided November 22, 1943.

Per Mr. Chief Justice Stone.

George Kelley,

Appellant,

487 vs.

State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Kelley,

Appellant,

487 vs.

State of California.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

George Kelley,

Appellant,

487 vs.

State of California.

Appeal from the Supreme Court of the State of California.

TREATING the appeal papers herein from the Supreme Court of the State of California as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Twisp Mining & Smelting Company,

Appellant,

213 vs.

Chelan Mining Company, Seattle First National Bank, as Receiver of Alder Group Mining & Smelting Company, et al.

Appellant having filed a petition for rehearing and an amended jurisdictional statement which conforms to Rule 12, par. 1., the petition for rehearing is granted and the order of October 11, 1943, dismissing the appeal and denying the petition for writ of certiorari is vacated.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Twisp Mining & Smelting Company, Appellant, vs. Chelan Mining Company, Seattle First National Bank, as Receiver of Alder Group Mining & Smelting Company, et al. — Appeal from the Supreme Court of the State of Washington.

213

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Twisp Mining & Smelting Company, Appellant, vs. Chelan Mining Company, Seattle First National Bank, as Receiver of Alder Group Mining & Smelting Company, et al. — On petition for writ of certiorari to the Supreme Court of the State of Washington.

213

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this case.

- - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the clerk and will not be announced orally."

- - - - - - - - - -

Arthur S. Humes,

Petitioner,

——, vs.

The United States.

ON CONSIDERATION of the application submitted herein by Arthur S. Humes,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Robert Blaydes,

Petitioner,

——, vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the application submitted herein by Robert Blaydes,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harold D. Reed,

Petitioner,

——, vs.

Ray L. Huff, General Superintendent, etc.

ON CONSIDERATION of the motion for leave to file a petition for a writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Raymond Paul Hile,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Dewey Gooch,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Paul O'Neil,

Petitioner,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Harry Miller,

Petitioner,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Harold Jackson,

Petitioner,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte United States of America upon the Relation and for the Use of The Tennessee Valley Authority,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus or writ of prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to the filing of an application for a writ of certiorari.

Per Mr. Chief Justice Stone.

Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge think that a rule to show cause should issue.

Patricia R. O'Brien,

Petitioner,

499 vs.

Edwin J. O'Brien, Jr., et al.

The rule requiring the printing of the record in this cause is waived and the petition for writ of certiorari will be considered on the typewritten record with leave to the parties to refer to and quote from the typewritten record in their briefs.

Per Mr. Chief Justice Stone.

Lonnie E. Smith,

Petitioner,

51 vs.

S. E. Allwright, Election Judge, et al.

ON CONSIDERATION of the motion of the State of Texas for leave to file a brief and to present oral argument as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the case is restored to the docket and assigned for reargument on Monday, January 10, next.

Per Mr. Chief Justice Stone.

Eastern-Central Motor Carriers Association, et al.,

Appellants,

105 vs.

The United States of America, et al.

ON CONSIDERATION of the motion of The National Industrial Traffic League for leave to intervene and participate in the argument of this cause on the side of the appellees,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Bernard Paul Coy,

Petitioner,

251 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the application to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including January 3, 1944.

Per Mr. Chief Justice Stone.

Thelma Martin,

Appellant,

238, O.T. 1942 vs.

City of Struthers, Ohio.

ON CONSIDERATION of the motion of the appellee to re-assess costs in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

IT IS FURTHER ORDERED that costs in the amount of $175.90 be assessed against appellee.

Per Mr. Chief Justice Stone.

William Roy Miller

Petitioner,

119 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Roy Miller, Order allowing certiorari.

Petitioner,

119 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Harrison E. Fryberger,
Petitioner,
439 vs.
Consolidated Electric and Gas Company and Central Public Utility Corporation.

On petition for writ of certiorari to the Supreme Court of the State of New York, County of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, County of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bonwit Teller, Inc.,
Petitioner,
445 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Merger Mines Corporation, Morris Pearson and Ebba Pearson, His Wife,
Petitioners,
449 vs.
J. V. Grismer, P. R. Simpson, M. C. Thornhill and O. C. Newman.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

LeRoy J. Leishman,

Petitioner,

455 vs.

Associated Wholesale Electric Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

National Securities Corporation, Successor by Merger to American Gas & Electric Securities Corporation,

Petitioner,

458 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

George F. Salomon,

Petitioner,

461 vs.

The City of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Daniel S. Gillmor,

Petitioner,

466 vs.

The Indianapolis Gas Company and City of Indianapolis.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Henry H. Abrams,

Petitioner,

467 vs.

The Indianapolis Gas Company and City of Indianapolis.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Pyramid Commercial Corporation, suing on its own behalf and on behalf of all other owners and holders of First Consolidated Mortgage 5% Gold Bonds, etc.,

Petitioners,

468 vs.

The Indianapolis Gas Company and City of Indianapolis.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Guy Whiteford,

Petitioner,

485 vs.

The Hecht Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

C. D. Robinson, as Administrator de bonis non of the Estates of Edward S. Ross and Mary C. Ross, Deceased,

Petitioner,

460 vs.

Linfield College, a Corporation, State of Washington and Leona P. Sanderson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Rose M. O'Hara,

Petitioner,

440 vs.

Maurice J. Murphy, Special Administrator, et al.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Rose M. O'Hara,

Petitioner,

440 vs.

Maurice J. Murphy, Special Administrator, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Alice Billingsley,

Petitioner,

454 vs.

C. B. Horrall, Chief of Police.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alice Billingsley,

Petitioner,

——, vs.

C. B. Horrall, Chief of Police.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roy Bess,

Petitioner,

451 vs.

Nathan Mayo, as Custodian of the Florida State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Roy Bess,

Petitioner,

451 vs.

Nathan Mayo, as Custodian of the Florida State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roy Bess,

Petitioner,

——, vs.

Nathan Mayo, as Custodian of the Florida State Prison.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Georgia M. Spruill,

Petitioner,

475 vs.

William T. Ballard, Abram R. Serven and Harriett T. Serven, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Georgia M. Spruill,

Petitioner,

475 vs.

William T. Ballard, Abram R. Serven and Harriett T. Serven, et al.

ON CONSIDERATION of the motion to strike and expunge the brief of respondents from the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Georgia M. Spruill,

Petitioner,

475 vs.

William T. Ballard, Abram R. Serven and Harriett T. Serven, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Virginia Harris Cohen,

Petitioner,

480 vs.

Lewis Randall, as Executor of the Estate of Nathan D. Cohen, Deceased.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Virginia Harris Cohen,

Petitioner,

480 vs.

Lewis Randall, as Executor of the Estate of Nathan D. Cohen, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Thad Benson Carter,

Petitioner,

18 vs.

George A. Kubler.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joe T. Powell,

Petitioner,

137 vs.

Joseph W. Sanford, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of
New York on the relation of
Stephen Rogalski,

Petitioner,

187 vs.

Walter B. Martin, as Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gilcrease Oil Company,

Petitioner,

214 vs.

G. M. Cosby, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nathan Goldsmith, et al.,

Petitioners,

377 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wayne M. Neal, et al.,

Petitioners,

389 vs.

State of Florida, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Niklaus, et al.,

Petitioners,

390 vs.

The Lincoln Joint Stock Land Bank of Lincoln, Nebraska.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joe Lash,

Petitioner,

407 vs.

State of Alabama.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Vincent Raymond Dunne, et al.,

Petitioners,

431 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Murray Brensilber, et al., etc.,

Petitioners,

21 vs.

Bausch & Lomb Optical Company, et al.

Petitions for rehearing having been filed in this case by counsel for the petitioners and respondents,

UPON CONSIDERATION thereof, it is ordered by this Court that

the said petitions be, and the same are hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge think the petitions should be granted.

Mr. Justice Jackson took no part in the consideration or decision of these applications.

The Niagara Falls Power Company,

Petitioner,

448 vs.

Federal Power Commission.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

- - - - - - - - - -

Ex parte Wade H. Cooper,

Petitioner,

---,

Motion for leave to file petition for writ of mandamus and also motion to dispense with printing of petition presented.

William J. Demorest, Jr., Ann Demorest and Carolyn Demorest by Gerald P. Culkin, Their Special Guardian,

Appellants,

52 vs.

City Bank Farmers Trust Company, as Trustee Under the Will of Henry C. West, Deceased, et al.

ON CONSIDERATION of the motion to substitute Francis J. Mahoney, Special Guardian, as a party appellant in the place and stead of Gerald P. Culkin, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the cause be so continued and maintained.

J. Oliver Hill, Administrator, etc.,

Petitioner,

4 vs.

Francis L. Hawes, Individually, etc.

Argued by Mr. Henry L. Johnson, Jr., for the petitioner and by Mr. John B. Gunion for the respondent.

State of California, et al.,

Appellants,

20 vs.

The United States of America, et al.; and

City of Oakland, a municipal corporation, etc.,

Appellant,

22 vs.

The United States of America, et al.

Three hours allowed for oral argument. Argued by Mr. Lucas E. Kilkenny for the appellants in No. 20; by Mr. W. Reginald Jones for the appellant in No. 22; and by Mr. Solicitor General Fahy for the appellees.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, DECEMBER 7, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that M. L. Bluhm, Esquire, of Chicago, Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court inthis behalf by Mr. Glenn Simmon, It is ordered that George H. Happ, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

The Atlantic Refining Company,
Owner, etc.,

Petitioner,

56 vs.

A. P. Moller, Claimant, etc.

Argued by Mr. Otto Wolff, Jr., for the petitioner and by Mr. J. Harry LaBrum for the respondent.

Charles M. Thomson, as Trustee, etc.,

Appellant,

70 vs.

The United States of America, et al.

Argued by Mr. Nye F. Morehouse for the appellant and by Mr. Robert L. Pierce for the appellees.

The United States of America,

Appellant,

68 vs.

Charles A. Gaskin.

Argument commenced by Mr. W. Marvin Smith for the appellant.

- - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, DECEMBER 8, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Whitney North Seymour, It is ordered that Richard B. Persinger, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

The United States of America,
Appellant,
68 vs.
Charles A. Gaskin.

Argument concluded by Mr. Marion B. Knight for the appellee.

The United States of America,
Appellant,
62 vs.
Bausch & Lomb Optical Company, et al.; and
Soft-Lite Lens Company, Inc., et al.,
Appellants,
64 vs.
The United States of America.

Three and one-half hours allowed for oral argument. Argued by

Mr. Assistant Attorney General Berge for The United States; by Mr. Bethuel M. Webster for Soft-Lite Lens Co., Inc., et al.; and by Mr. Whitney North Seymour for Bausch & Lomb Optical Company, et al.

The United States of America,

Appellant,

83 vs.

Jacob Hark and Hyman Yaffee,
Co-partners, etc.

Argument commenced by Mr. Paul A. Freund for the appellant.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, DECEMBER 9, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James P. McGovern, It is ordered that Albert Stickney, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Homer Ferguson, It is ordered that Joseph Bernard Dawsey, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

The United States of America,

Appellant,

83 vs.

Jacob Hark and Hyman Yaffee,
Co-partners, etc.

Argument continued by Mr. Paul A. Freund for the appellant; Mr. William H. Lewis for the appellee; and concluded by Mr. Paul A. Freund for the appellant.

The Mercoid Corporation,

Petitioner,

54 vs.

Mid-Continent Investment Company, et al.; and

The Mercoid Corporation,

Petitioner,

55 vs.

Mid-Continent Investment Company, et al.

Argued by Mr. George L. Wilkinson for the petitioner; by Mr. Casper W. Ooms for the respondent, Mid-Continent Investment Company; and by Mr. W. P. Bair for the respondent, Minneapolis-Honeywell Regulator Company.

The Mercoid Corporation,

Petitioner,

58 vs.

Minneapolis-Honeywell Regulator Company; and

The Mercoid Corporation,

Petitioner,

59 vs.

Minneapolis-Honeywell Regulator Company.

Argument commenced by Mr. George L. Wilkinson for the petitioner.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, DECEMBER 10, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Emmals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Earl Ramage Lewis, It is ordered that Hugh Huntington, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Duggan, It is ordered that Gabriel de la Haba, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar L. Chapman, It is ordered that Richard A. Williams, Esquire, of Washington, District of Columbia, and Roy Halquist, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. McNeill, It is ordered that Samuel G. Coler, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Mapp, It is ordered that Elmer E. Hazard, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Smith, Jr., It is ordered that Hardy Moore Graham, Esquire, of Meridian, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

The Mercoid Corporation,

Petitioner,

58 vs.

Minneapolis-Honeywell Regulator Company; and

The Mercoid Corporation,

Petitioner,

59 vs.

Minneapolis-Honeywell Regulator Company.

Argument continued by Mr. George L. Wilkinson for the petitioner and by Mr. Will Freeman for respondent; and concluded by Mr. George L. Wilkinson for the petitioner.

William J. Demorest, Jr., et al.,

Appellants,

52 vs.

City Bank Farmers Trust Company, etc., et al.

Argued by Mr. Francis J. Mahoney for appellants; by Mr. Albert Stickney for the appellee, Emma M. West; and by Mr. C. Alexander Capron for the appellee, City Bank Farmers Trust Co., Trustee.

should be 30

MONDAY, DECEMBER 13, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Warren G. Magnuson, It is ordered that Maurice Dorian Powell, Esquire, of Kirkland, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Melvin Richter, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Fahy, It is ordered that Leonard Blaylock, Esquire, of Cameron, State of Texas, and Robert Fenton Garfield, Esquire, of San Diego, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Urban C. Stover, It is ordered that James A. Emmert, Esquire, of Shelbyville, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Thomas B. Dyett, etc.,

Appellant,

227 vs.

Title Guarantee and Trust Co.,
et al.

Argued by Mr. James N. Vaughan for the appellant and Mr. Louis J. Merrell for the appellees.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday next at 12 o'clock

On motion first made to the Court in this behalf by Mr. Ray J. Madden, It is ordered that James S. McCarthy, Esquire, of Whiting, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Colgate-Palmolive-Peet Company, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

38

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Delaware.

Per Mr. Justice Reed.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this case.

Colgate-Palmolive-Peet Company, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

39

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Delaware.

Per Mr. Justice Reed.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this case.

The Chief Justice said:

"The orders of the Court appear upon the list certified by The Chief Justice and filed with the clerk and will not be announced orally."

- - - - - - - - - - -

Bernard Eugene Smith, et al., as co-partners, trading and doing business under the firm name and style of Thomson & McKinnon,

Appellants,

vs.

J. N. Lummus, Jr., as Tax Assessor of Dade County, Florida, et al.

Appeal from the Supreme Court of the State of Florida.

502

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Ex parte Edward Casebeer,

Petitioner,

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank J. Kane,

Petitioner,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Ex parte Henry Hawk,

Petitioner,

—,

A rule is ordered to issue returnable January 10, 1944, requiring respondent to show cause why leave to file the petition for writ of habeas corpus should not be granted.

Per Mr. Chief Justice Stone.

Ex parte Wade H. Cooper,

Petitioner,

—

ON CONSIDERATION of the motion to waive the printing of the motion for leave to file and petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte Wade H. Cooper,

Petitioner,

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Roy Miller,

Petitioner,

119 vs.

The United States of America.

The Court directs that the expense of printing the record in this case be paid by the United States pursuant to 28 U. S. C. Sec. 832.

Per Mr. Chief Justice Stone.

Chicago, Saint Paul, Minneapolis & Omaha Railway Company, et al.,

Appellants,

482 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Lester Follett,

Appellant,

486 vs.

Town of McCormick, South Carolina.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Hazel-Atlas Glass Company, Order allowing certiorari.

Petitioner,

398 vs.

Hartford-Empire Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Shawkee Manufacturing Company, Glenshaw Glass Company, et al., Order allowing certiorari.

Petitioners,

423 vs.

Hartford-Empire Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the

transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Clifford F. MacEvoy Company and The Aetna Casualty and Surety Company,

Petitioners,

483 vs.

The United States of America, for the use and Benefit of the Calvin Tomkins Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket. The Solicitor General is invited to file a brief as amicus curiae if he is so advised.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Charles E. Leydecker,

Petitioner,

456 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rathjen Brothers,

Petitioner,

471 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS ORDERED By this Court that the said petition be, and the

Fides, A. G.,
Petitioner,
478 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Safeway Stores, Incorporated,
Petitioner,
481 vs.
Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ann Stanziale,
Petitioner,
484 vs.
Lt. Col. Holmes, G. T. Paullin,
Commanding Officer, Fort Dix, N.J.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Richard A. Knight,

Petitioner,

462 vs.

The Bar Association of the City of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that certiorari should be granted.

Mittie Maude Lena Gordon and Seon Emanuel Jones,

Petitioners

479 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mittie Maude Lena Gordon and Seon Emanuel Jones,

Petitioners,

479 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Lester Ettman,

Petitioner,

426 vs.

Federal Life Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

ORDER

The Court will take a recess from Monday, December 20, until Monday, January 3, 1944.

- - - - - - - - - - -

Joseph E. Snowden,

Petitioner,

57 vs.

Edward J. Hughes, Louie E. Lewis, et al., etc.

Argued by Mr. W. R. Ming for the petitioner and by Mr. William C. Wines for the respondents, Edward J. Hughes, et al., and case submitted by Mr. Isaac E. Ferguson for the respondents Robert E.Straus, et al., as Co-executors, etc. Leave granted petitioner to file memorandum by Friday, next.

District of Columbia,

Petitioner,

117 vs.

Elizabeth C. Pace.

Argued by Mr. Glenn Simmon for the petitioner and by Mr. Elmer E. Hazard for the respondent.

City of Yonkers and John W.
Tooley, Jr., as President of
Committee of Yonkers Commuters,
etc.,

Appellants,

109 vs.

The United States of America,
et al.

Argument commenced by Mr. John J. Broderick for the appellant,

City of Yonkers.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, DECEMBER 14, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H.Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Joseph Millenson, It is ordered that Myron K. Wilson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Georgia M. Spruill,

Petitioner,

475 vs.

William T. Ballard, et al.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time within which to file a petition for rehearing is extended to and including January 29, 1944.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

City of Yonkers and John W. Tooley,
Jr., as President of Committee of Yonkers
Commuters, etc.,

Appellants,

109 vs.

The United States of America, et al.

Argument continued by Mr. Horace M. Gray for the appellant, John W. Tooley, Jr., as President, etc.; by Mr. J. Stanley Payne for appellee, The United States and Interstate Commerce Commission; by Mr. Harold E. McLean for appellee, New York Central Railroad Company; by Mr. John J. Broderick for appellant, City of Yonkers; and concluded by Mr. Horace M. Gray for appellant, John W. Tooley, Jr., President, etc.

Sarah Prince,

Appellant,

98 vs.

Commonwealth of Massachusetts.

Argued by Mr. Hayden C. Covington for the appellant and by Mr. R. T. Bushnell for the appellee.

Dixie Pine Products Company,

Petitioner,

84 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. T. J. Wills for the petitioner.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry R. Gower, It is ordered that Seddon G. Boxley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry I. Millman, It is ordered that Benjamin Busch, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles P. Taft, It is ordered that Sanford A. Headley, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Weston B. Grimes, It is ordered that David S. Jackson, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Dickinson Letts, It is ordered that Scott Jordan, Esquire, of Fairfield, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred W. Albertson, It is ordered that Henry W. Dieringer, Esquire, of Chicago, State of Illinois, and William T. Murphy, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - -

The B. F. Goodrich Company,

Petitioner,

158 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to withdraw the appearance of E. Barrett Prettyman, F. G. Awalt, and Raymond Sparks as counsel for the petitioner in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Dixie Pine Products Company,

Petitioner,

84 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. T. J. Wills for the petitioner and concluded by Mr. Arnold Raum for the respondent.

Mary Tennant, Administratrix, etc.,

Petitioner,

94 vs.

Peoria and Pekin Union Railway Company.

Argued by Mr. William H. Allen for the petitioner and by Mr. Eugene E. Horton for the respondent.

Eastern-Central Motor Carriers
Association, et al.,

Appellants,

105 vs.

The United States of America, et al.

Argument commenced by Mr. Charles B. Cotterill for the appellants and continued by Mr. Robert L. Pierce for appellees, The United States and Interstate Commerce Commission.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, DECEMBER 16, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jep S. Fuller, It is ordered that Clarence F. Purdy, Esquire, of Celina, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond J. Mawhinney, It is ordered that James J. Cannon, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Elston, It is ordered that Orville A. Troy, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. C. Gathings, It is ordered that Freeman B. Irby, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul D. P. Spearman, It is ordered that Elizabeth Watkins Hulen, of Jackson, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this

On motion made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Rosemary Brennan, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

- - - - - - - - - -

Eastern-Central Motor Carriers Association, et al.,

Appellants,

105 vs.

The United States of America, et al.

Argument concluded by Mr. Robert L. Pierce for the appellees and case submitted by Mr. Luther M. Walter, Mr. Nuel D. Belnap, and Mr. John S. Burchmore for intervener, The National Industrial Traffic League.

The United States of America,

Petitioner,

71 vs.

Frank Laudani.

Argued by Mr. Chester T. Lane for the petitioner and case submitted by Mr. Harold Simandl for the respondent.

Illinois Steel Company,

Petitioner,

99 vs.

Baltimore and Ohio Railroad Company.

Argued by Mr. Paul R. Conaghan for the petitioner and by Mr. Francis R. Cross for the respondent.

The United States,

Petitioner,

142 vs.

Howard C. Myers;

The United States,

Petitioner,

143 vs.

John H. Arble;

The United States,

Petitioner,

144 vs.

Charles C. Martin;

The United States,

Petitioner,

145 vs.

Walter O. Plitz; and

The United States,

Petitioner,

146 vs.

George H. Spitz.

Argument commenced by Mr. Assistant Attorney General Shea for the petitioner.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, DECEMBER 17, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Arthur J. Goldberg, It is ordered that K. Elizabeth Ohi, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Samuel Walter Ross Lamden, It is ordered that Erskine Biddle Wood, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Marshall, It is ordered that Seymour Miller Klein, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Enoch E. Ellison, It is ordered that Oppie L. Hedrick, Esquire, of Beckley, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert M. Drysdale, It is ordered that Irvin Long, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court.

William Roy Miller,

Petitioner,

119 vs.

The United States of America.

It is ordered that Gerhard A. Gesell, Esquire, of Washington, D. C., a member of the Bar of this Court, be appointed to serve as counsel for the petitioner in this case.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The United States,

Petitioner,

142 vs.

Howard C. Myers;

The United States,

Petitioner,

143 vs.

John H. Arble;

The United States,

Petitioner,

144 vs.

Charles C. Martin;

The United States,

Petitioner,

145 vs.

Walter O. Plitz; and

The United States,

Petitioner,

146 vs.

George H. Spitz.

Argument continued by Mr. Assistant Attorney General Shea for the petitioner and concluded by Mr. Robert M. Drysdale for the respondents.

Mrs. Eula May Walton, Administratrix, etc.,

159 vs.

Southern Package Corporation.

Argued by Mr. Robert L. Stern for the Administrator of Wage and Hour Division, United States Department of Labor, as amicus curiae, by special leave of Court, and by Mrs. Elizabeth Hulen for the respondent; and case submitted by Mr. Charles F. Engle for the petitioner.

Samuel Feldman,

Petitioner,

193 vs.

The United States of America.

Argued by Mr. Seymour M. Klein for the petitioner and by Mr. Chester T. Lane for the respondent. Leave granted petitioner to file a reply brief within one week.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, December 20, next, at 12 o'clock.

MONDAY, DECEMBER 20, 1943.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Ray J. Madden, It is ordered that Allen P. Twyman, Esquire, of East Chicago, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Peters, Jr., It is ordered that Jim Bolger, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Wilson, It is ordered that Austin J. Lilly, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Oliver Graves, It is ordered that Jewell I. Dilsaver, Esquire, of Mattoon, State of Illinois, and Russell B. James, Esquire, of Mattoon, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Shannon, It is ordered that Reuben Goldberg, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Claude O. Pearcy, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

John V. Dobson,
Petitioner,
44 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

E. W. Dobson,
Petitioner,
45 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eight Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Estate of James N. Collins, Deceased, First National Bank and Trust Company of Minneapolis, Executor,

Petitioner,

46 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

H. J. Harwick,

Petitioner,

47 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Jackson.

Irene Brady, Administratrix of the Estate of Earle A. Brady, Deceased,

Petitioner,

26 vs.

Southern Railway Company.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Black, in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge concur.

The Atlantic Refining Company, Owner of the Tank Steamship "Bohemian Club",

Petitioner,

56 vs.

A. P. Moller, Claimant of the Motor-Vessel "Laura Maersk".

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Commissioner of Internal Revenue, Petitioner, vs. S. B. Heininger. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

63

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Magnolia Petroleum Company, et al., Petitioners, vs. Sullivan H. Hunt. — On writ of certiorari to the Court of Appeal of the State of Louisiana, First Circuit.

29

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeal of the State of Louisiana, First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeal, in this cause, be, and the same is hereby, reversed without costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeal for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

Opinion by Mr. Justice Jackson concurring in the opinion of the Chief Justice.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Murphy joins.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas, Mr. Justice Murphy, and Mr. Justice Rutledge concur.

- - - - - - - - - -

The Chief Justice announced the following orders of the Court:

Chicago and North Western Railway Company,

Appellant,

504 vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and on motions to dismiss or affirm, which were duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motions to affirm the decree in this cause be, and the same are hereby, granted.

AND IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

Carter H. Harrison, Collector of Internal Revenue for the First District of Illinois,

Petitioner,

266 vs.

Durkee Famous Foods, Inc., a Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Carter H. Harrison, Collector of Internal Revenue for the First District of Illinois,

Petitioner,

vs.

Durkee Famous Foods, Inc., a Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

266

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs upon the authority of Nos. 38 and 39, Colgate-Palmolive-Peet Co. vs. The United States, decided December 13, 1943.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - -

Ex parte Percy Watts,

Petitioner,

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Colorado,

Complainant,

5, Original vs.

The State of Kansas, et al.

ON CONSIDERATION of the motion of the defendants to extend the time within which to file a petition for rehearing in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended 60 days from December 31 next.

Per Mr. Chief Justice Stone.

Lee Arenas, Order allowing certiorari.

Petitioner,

463 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Equitable Life Assurance Society of the United States, Order allowing certiorari.

Petitioner,

492 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the second question presented by the petition and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mars, Incorporated,
Petitioner,
299 vs.
Chester Bowles, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Oil City Refiners, Inc.,
Petitioner,
469 vs.
Socony-Vacuum Oil Company, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Socony-Vacuum Oil Company, Incorporated,
Petitioner,
503 vs.
Oil City Refiners, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Martin B. Robinson,
Petitioner,
474 vs.
State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Trico Products Corporation,
Petitioner,
490 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

The United States of America,
Petitioner,
5 vs.
Joseph H. Dotterweich.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Laconia Chapelle Burroughs,

Petitioner,

189 vs.

Joseph W. Sanford, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Milton Roe Sabin and Bertha Florence Sabin,

Petitioners,

432 vs.

A. I. Levorsen, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Max Krauss, Trading as American Cord and Webbing Company,

Petitioner,

473 vs.

Benjamin Greenbarg and Joseph Greenbarg, Trading as King Kard Overall Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

Ex parte The Alliance Brass & Bronze Company,

Petitioner.

——,

Motion for leave to file petition for writ of prohibition or in the alternative writ of mandamus presented.

The United States of America,
Appellant,
vs.
Berke Cake Co., Inc., E. L. K. Baking Co., Inc., Irving Berke, et al.

Appeal from the District Court of the United States for the Eastern District of New York.

329

It appearing to the Court that counsel for the appellant has filed a motion to dismiss the appeal in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the appeal herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, January 3, 1944, at 12 o'clock.

MONDAY, JANUARY 3, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Clark M. Robertson, It is ordered that Howard R. Johnson, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Leroy Johnson, It is ordered that Wilbert S. Hamilton, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. Gustin Priest, It is ordered that Benjamin H. Dewey, Jr., Esquire, of New York, State of New York, and Robert B. Garnett, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Steinem, It is ordered that Sol Romaner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Barrett Prettyman, It is ordered that William H. Bemis, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Conrad E. Snow, It is ordered that Henry Clyde Johnson, Esquire, of Boston, Massachusetts be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Paine, It is ordered that William C. Scott, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Federal Power Commission, City of Akron and Pennsylvania Public Utility Commission,

Petitioners,

34 vs.

Hope Natural Gas Company,

City of Cleveland,

Petitioner,

35 vs.

Hope Natural Gas Company.

On writs of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOP, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Roberts took no part in the consideration or decision of this case.
Opinion of Mr. Justice Black in which Mr. Justice Murphy concurs.
Dissenting opinion by Mr. Justice Reed.
Dissenting opinion by Mr. Justice Frankfurter.
Separate opinion by Mr. Justice Jackson.

The Mercoid Corporation, Petitioner, vs. Mid-Continent Investment Company and Minneapolis-Honeywell Regulator Company.

54

On writ of certiorari to the United States Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Opinion of Mr. Justice Black in which Mr. Justice Murphy concurs.
Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Reed joins.
Dissenting opinion by Mr. Justice Frankfurter.
Dissenting opinion by Mr. Justice Jackson.

The Mercoid Corporation, Petitioner, vs. Mid-Continent Investment Company and Minneapolis-Honeywell Regulator Company.

55

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Opinion of Mr. Justice Black in which Mr. Justice Murphy concurs.
Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Reed joins.
Dissenting opinion by Mr. Justice Frankfurter.
Dissenting opinion by Mr. Justice Jackson.

The Mercoid Corporation, Petitioner, vs. Minneapolis-Honeywell Regulator Company.

58

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson concur in the result on the authority of Morton Salt Co. vs. G. S. Suppiger Co., 314 U. S. 488.

The Mercoid Corporation, Petitioner, vs. Minneapolis-Honeywell Regulator Company.

59

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Roberts, Mr. Justice Reed, Mr. Justice Frankfurter, and Mr. Justice Jackson concur in the result on the authority of Morton Salt Co. vs. G. S. Suppiger Co., 314 U. S. 488.

City of Yonkers and John W. Tooley, Jr., as President of Committee of Yonkers Commuters, etc., Appellants,

vs.

The United States of America, Interstate Commerce Commission and The New York Central Railroad Company.

Appeal from the District Court of the United States for the Southern District of New York.

109

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Reed and Mr. Justice Jackson join.

State of California and Board of State Harbor Commissioners for San Francisco Harbor, Appellants,

vs.

The United States of America, United States Maritime Commission, Encinal Terminals, et al.

Appeal from the District Court of the United States for the Northern District of California.

20

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

City of Oakland, a Municipal Corporation, Acting by and Through its Board of Commissioners,

Appellants,

22 vs.

The United States of America, United States Maritime Commission, Encinal Terminals, et al.

Appeal from the District Court of the United States for the Northern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Murphy join.

The United States,

Petitioner,

142 vs.

Howard C. Myers,

The United States,

Petitioner,

143 vs.

John H. Arble,

The United States,

Petitioner,

144 vs.

Charles C. Martin

The United States,

Petitioner,

145 vs.

Walter O. Plitz; and

The United States,

Petitioner,

146 vs.

George H. Spitz.

On writs of certiorari to the Court of Claims.

THESE CAUSES

record from the Court of Claims, and were argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the Court of Claims in these causes, be, and the same is hereby, reversed; and that these causes, be, and the same are hereby, remanded to the Court of Claims for determination of the claim of the inspectors in accordance with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Chief Justice Stone is of the opinion that the judgment should be reversed in its entirety and the suits dismissed.

Mrs. Eula May Walton, as Administratrix of Fred Walton, Deceased,
Petitioner,

159 vs.

Southern Package Corporation.

On writ of certiorari to the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Roberts concurs in the result.

The United States of America,
Petitioner,

71 vs.

Frank Laudani.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, IT is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for consideration and disposition of other questions not here involved.

Nick Palbo, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

73

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Murphy.

Dixie Pine Products Company, Petitioner, vs. Commissioner of Internal Revenue. — On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

84

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

J. Oliver Hill, Administrator of the Estate of Bertha Byrd, Deceased,
Petitioner,
4 vs.
Francis L. Hawes, Individually and as Trustee and Raymond D. Evans, Trustee.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Murphy concurs.

The United States of America,
Appellant,
68 vs.
Charles A. Gaskin.

Appeal from the District Court of the United States for the Northern District of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Florida and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Murphy.

The United States of America,
Appellant,
83 vs.
Jacob Mark and Hyman Yaffee, Co-partners Doing Business as Liberty Beef Company.

Appeal from the District Court of the United States for the District of Massachusetts.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Massachusetts and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Douglas and Mr. Justice Rutledge join.

Illinois Steel Company,
Petitioner,
99 vs.
Baltimore and Ohio Railroad Company.

On writ of certiorari to the Appellate Court of the State of Illinois, First District.

THIS CAUSE came on to be heard on the transcript of the record from the Appellate Court of the State of Illinois, First District, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Appellate Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Appellate Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The Chief Justice said;

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - -

Ex parte Andrew Barnett,

Petitioner,

---,

ON CONSIDERATION of the application submitted herein by Andrew Barnett,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Jack A. McCoy,

Petitioner.

---,

ON CONSIDERATION of the application submitted herein by Jack A. McCoy,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte The Alliance Brass & Bronze Company,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition or, in the alternative, mandamus in the above entitled cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Ralph O. Lucas,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte N. M. Maxwell,

Petitioner.

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James Sparks,

Petitioner,

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Bernard Nelson,

Petitioner,

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Norman Michaud,

Petitioner,

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte H. Ely Goldsmith.

Petitioner,

—.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Selvie W. Wells,

Petitioner,

—

A rule is ordered to issue, returnable within 30 days, requiring the respondent to show cause why leave to file the petition for writ of habeas corpus should not be granted.

Per Mr. Chief Justice Stone.

Charles Jobin,

Appellant,

966, O.T. 1941 vs.

The State of Arizona.

Upon consideration of appellant's motion to compel payment of costs and appellee's reply, it is ordered that appellant's motion be denied without prejudice to its renewal in the event that the Attorney General of the State of Arizona does not report the judgment to the Arizona Legislature at its next session and if so reported the Legislature does not make provision for payment.

Mrs. Eula May Walton, Administratrix, etc.,

Petitioner,

159 vs.

Southern Package Corporation.

ON CONSIDERATION of the motion of counsel for the petitioner for an additional attorney's fee in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an appropriate application to the Supreme Court of Mississippi.

Per Mr. Chief Justice Stone.

Richard A. Knight,

Petitioner,

462 vs.

The Bar Association of the City of New York.

ON CONSIDERATION of the application for an extension of time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including February 7, next.

Per Mr. Chief Justice Stone.

George Kelley,

Appellant,

487 vs.

State of California.

ON CONSIDERATION of the application for an extension of time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted and the time is extended to and including January 31, next, and mandate stayed.

Per Mr. Chief Justice Stone.

Ford Motor Company,

Petitioner,

49 vs.

Gordon Form Lathe Company; and

Ford Motor Company,

Petitioner,

50 vs.

Gordon Form Lathe Company.

ON CONSIDERATION of the motion for stay of the mandates in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the mandates are stayed pending the determination of the petition for rehearing.

Per Mr. Chief Justice Stone.

The United States,

Petitioner,

142 vs.

Howard C. Myers;

The United States,

Petitioner,

143 vs.

John H. Arble;

The United States,

Petitioner,

144 vs.

Charles C. Martin;

The United States,

Petitioner,

145 vs.

Walter O. Plitz; and

The United States,

Petitioner,

146 vs.

George H. Spitz.

ON CONSIDERATION of the motion for leave to file supplemental

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner,
472 vs.
Edna W. Ballard and Donald Ballard.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

United States Gypsum Company, Petitioner,
476 vs.
Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Henry Baker, Petitioner,
500 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Wilson Milling Company, a Dissolved Corporation, by A. J. Landrum, et al., etc.,
Petitioners,
510 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Pen-Ken Gas & Oil Corporation,
Petitioner,
517 vs.
Warfield Natural Gas Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Fred Wayne,
Petitioner,
494 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Frank W. Lyman, et al., Executors, Petitioners,
495 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Sidney Zernit, Petitioner,
501 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Joseph M. Kaiser, Petitioner,
512 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Grant Lunch Corporation,
Petitioner,
513 vs.
Alfred E. Driscoll, Commissioner of the State Department of Alcoholic Beverage Control.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William C. Rafert, Debtor,
Petitioner,
516 vs.
The Equitable Life Assurance Society of the United States.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Robert E. Lee Jordon,
Petitioner,
519 vs.
Harold L. Ickes, Secretary of the Interior.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Middleton & Co. (Canada), Ltd., et al.,

Petitioners,

523 vs.

Ocean Dominion Steamship Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Kersh Lake Drainage District,

Petitioner,

537 vs.

State Bank & Trust Company of Wellston, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

William H. Neblett, Vernon Bettin, Alfred F. MacDonald, et al.,

Petitioners,

488 vs.

Anthony Caminetti, Jr., Insurance Commissioner of the State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

William H. Neblett, Vernon Bettin, Alfred F. MacDonald, et al.,

Petitioners,

489 vs.

The Pacific Mutual Life Insurance Company of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Reed took no part in the consideration or decision of this application.

Benguet Consolidated Mining Company,

Petitioner,

491 vs.

Idonah Slade Perkins, Samuel I. Hartman, as Receiver, Hartford-Beaumont, et al.

ON CONSIDERATION of the motion to use the certified record in the case of Benguet Consolidated Mining Co. vs. Perkins, et al., No. 968, October Term, 1942,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this motion.

Benguet Consolidated Mining Company,

Petitioner,

491 vs.

Idonah Slade Perkins, Samuel I. Hartman, as Receiver, Hartford-Beaumont, et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Benguet Consolidated Mining Company,

Petitioner,

968 O.T. 1942 vs.

Idonah Slade Perkins, Samuel I. Hartman, as Receiver, Hartford-Beaumont, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

W. T. Beckham, Clerk, United States District Court, Western District of Kentucky,

Petitioner,

511 vs.

Prentiss M. Brown, Administrator, Office of Price Administration.

ON CONSIDERATION of the motion to substitute Chester Bowles, present Administrator, Office of Price Administration, as the party respondent in the place and stead of Prentiss M. Brown, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the cause so continued and maintained.

Per Mr. Chief Justice Stone.

W. T. Beckham, Clerk, United States District Court, Western District of Kentucky,

Petitioner,

511 vs.

Chester Bowles, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. V. Byers, et ux.,

Petitioners,

470 vs.

J. M. Ward, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

H. V. Byers, et ux.,

Petitioners,

470 vs.

J. M. Ward, et al.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jessie William Miller,

Petitioner,

496 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jessie William Miller,

Petitioner,

496 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Dobry,

Petitioner,

498 vs.

Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Dobry,

Petitioner,

498 vs.

Neil Olson, Warden of the Nebraska State Penitentiary at Lancaster, Lancaster County, Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cassius McDonald,

Petitioner,

477 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Cassius McDonald,

Petitioner,

477 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Clyde Brazel,

Petitioner,

553 vs.

Harry H. Jackson, Warden of the
State Prison of Southern Michigan.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clyde Brazel,

Petitioner,

553 vs.

Harry H. Jackson, Warden of the
State Prison of Southern Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clyde Brazel,

Petitioner,

——, vs.

Harry H. Jackson, Warden of the
State Prison of Southern Michigan.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert P. Coyle,

Petitioner,

191 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert P. Coyle,

Petitioner,

191 vs.

The People of the State of New York.

ON CONSIDERATION of the motion of Wm. F. Kelly and certain other attorneys for leave to file a brief as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert P. Coyle,

Petitioner,

191 vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Wade,

Petitioner,

418 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Wade,

Petitioner,

418 vs.

The People of the State of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Vincent Raymond Dunne, James P. Cannon, et al.,

Petitioners,

431 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Vincent Raymond Dunne, James P. Cannon, et al.,

Petitioners,

431 vs.

The United States of America.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bernard Paul Coy,

Petitioner,

251 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

State of Illinois,

Complainant,

11, Original vs.

State of Indiana, et al.

Motion of defendant State of Indiana to dismiss and answers presented.

- - - - - - - - - -

J. I. Case Company,

Petitioner,

67 vs.

National Labor Relations Board.

Argued by Mr. Clark M. Robertson for the petitioner and by Mr. Alvin J. Rockwell for the respondent.

The B. F. Goodrich Company,

Petitioner,

158 vs.

The United States of America.

Argument commenced by Mr. William H. Bemis for the petitioner and continued by Mr. Valentine Brookes for the respondent.

- - - - - - - - - -

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter, Associate Justices.
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Albert Boggess, It is ordered that Sam H. Lattimore, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman L. Meyers, It is ordered that William K. Toll, Esquire, of Findlay, State of Ohio, be admitted to practice as an Attorney and Counsellor, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stoddard M. Stevens, Jr., It is ordered that William F. Kennedy, Esquire, of New York, State of New York, and Houston H. Wasson, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - -

The B. F. Goodrich Company,
Petitioner,
158 vs.
The United States of America.

Argument continued by Mr. Valentine Brookes for the respondent and concluded by Mr. William H. Bemis for the petitioner.

B. H. Inness Brown, David Paine, et al.,

Petitioners,

183 vs.

John Gerdes and James D. Carpenter, Jr., Trustees, etc.

Argued by Mr. William C. Scott for the petitioners and by Mr. John Gerdes for the respondents.

Northwestern Electric Company and American Power & Light Company,

Petitioners,

195 vs.

Federal Power Commission.

Argument commenced by Mr. A. J. G. Priest for the petitioners.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Roy Malquist, It is ordered that Frank R. Byrne, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jay T. McCamic, It is ordered that Gordon B. Kinmer, Esquire, of Martins Ferry, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Northwestern Electric Company and
American Power & Light Company,

Petitioners,

195 vs.

Federal Power Commission.

Argument continued by Mr. Charles V. Shannon for the respondent and concluded by Mr. A. J. G. Priest for the petitioners.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices.
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that Joseph Kruger, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter F. George, It is ordered that Ralph R. Quillian, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin Allan Swingle, It is ordered that Robert E. Coughlan, Jr., Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Palmer Garrett, It is ordered that Ellis P. Davis, Esquire, of Kissimmee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. G. L. Reeves, It is ordered that Robert B. Huffaker, Esquire, of Bartow, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he

Anton Mahnich,

Petitioner,

200 vs.

The Southern Steamship Company.

Argued by Mr. Abraham E. Freedman for the petitioner and by Mr. Joseph W. Henderson for the respondent.

The United States of America,

Petitioner,

209 vs.

John Waterhouse, et al.

Argument commenced by Mr. Assistant Attorney General Littell for the petitioner and continued by Mr. Herman Phleger for the respondents.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

On motion first made to the Court in this behalf by Mr. Warren E. Miller, It is ordered that Edward Gibbon Hobbs, Esquire, of Selma, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

The United States of America,

Petitioner,

209 vs.

John Waterhouse, et al., etc.

Argument continued by Mr. Herman Phleger for the respondents and concluded by Mr. Assistant Attorney General Littell for the petitioner.

John Thomas Carter and Eugene Pearson Macemore,

Appellants,

134 vs.

The Commonwealth of Virginia.

Argued by Mr. John S. Battle for the appellants and by Mr. Abram P. Staples for the appellee.

Earl Dickerson, W. O. Page, et al.,

Appellants,

198 vs.

Commonwealth of Virginia.

Argued by Mr. Warren E. Miller for the appellants and by Mr. Abram P. Staples for the appellee.

Walter B. Johnson, T. R. Husted, et al.,

Petitioners,

447 vs.

Yellow Cab Transit Company.

Argument commenced by Mr. Sam H. Lattimore for the petitioners and continued by Mr. John B. Dudley for the respondent.

- - - - - - - - - -

Proclamation being made the Court is adjourned

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frank H. Myers, It is ordered that Pauline Weinstein, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

- - - - - - - - - -

Walter B. Johnson, T. R. Husted, et al.,

Petitioners,

447 vs.

Yellow Cab Transit Company.

Argument continued by Mr. John B. Dudley for the respondent and concluded by Mr. Duke Duvall for the respondent.

Albert Yakus,

Petitioner,

374 vs.

The United States of America; and

Benjamin Rottenberg and B. Rottenberg, Inc.,

Petitioners,

375 vs.

The United States of America.

Argument commenced by Mr. Joseph Kruger for the petitioner in No. 374; continued by Mr. Leonard Poretsky for the petitioners in Nos. 374 and 375; by Mr. William H. Lewis for the petitioner in No. 375; by Mr. Solicitor General Fahy for the respondent; and concluded by Mr. Joseph Kruger for the petitioner in No. 374.

Chester Bowles, as Administrator, etc.,

Appellant,

464 vs.

Mrs. Kate C. Willingham and J. R. Hicks, Jr.

Argument commenced by Mr. Paul A. Freund for the petitioner.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday next at 12 o'clock

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Joseph M. Friedman, Esquire, of Hartford, State of Connecticut, Robert J. Berens, Esquire, of Washington, District of Columbia, Lester C. Wilhelm, Esquire, of Arlington, State of Virginia, and Charlotte Slavitt, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Casimir E. Midowicz, It is ordered that Ewart S. Harris, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen P. Dodd, Sr., It is ordered that Allen P. Dodd, Jr., Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Aubrey Begley, It is ordered that Martin M. Reed, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Borden Burr, It is ordered that Samuel M. Bronaugh, Esquire, of Birmingham, State of Alabama, and E. L. All, Esquire, of Birmingham, State of Alabama, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis Cabell Brown, It is ordered that Irving H. Jurow, Esquire, of New York State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Q. Smith, It is ordered that James A. Lipscomb, Esquire, of Bessemer, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. McInnis, It is ordered that Julien Cornell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alan W. Joslyn, It is ordered that R. H. Fryberger, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Sparkman, It is ordered that John William Sherrill, Jr., Esquire, of Decatur, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

District of Columbia,

Petitioner,

117 vs.

Elizabeth C. Pace.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals.

Per Mr. Justice Jackson.

Mr. Justice Black and Mr. Justice Rutledge took no part in the consideration or decision of this case.

- - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - -

Ex parte Chesteen McConnell,

Petitioner,

---,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Harrison Howard,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Leonard Palmore,

Petitioner,

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Carl Jackson,

Petitioner,

—,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Illinois,

Complainant,

11, Original vs.

The State of Indiana, et al.

The motion of the defendant, State of Indiana, to dismiss and the several answers of the defendants are received and ordered to be filed. The complainant, State of Illinois, is requested to file within three weeks a response and brief on the motion of the defendant, State of Indiana, to dismiss.

Per Mr. Chief Justice Stone.

Bessie P. Douglas, Order allowing certiorari.

Petitioner,

130 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Bessie P. Douglas, Order allowing certiorari.

Petitioner,

131 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Estate of Charles M. Robinson, Northwestern National Bank and Trust Company of Minneapolis, et al., Order allowing certiorari.

Petitioners,

132 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Bernice B. Dalrymple, Order allowing certiorari.

Petitioner,

133 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Elmer Hartzel, Order allowing certiorari.

Petitioner,

531 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Franks Bros. Company, Order allowing certiorari.

Petitioner,

521 vs.

National Labor Relations Board.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is transferred to the summary docket and assigned for hearing immediately following No. 265.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Irwin Unger,

Petitioner,

520 vs.

The Ohio State Dental Board.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Balfour, Guthrie & Co., Ltd., and Commonwealth African, Ltd.,

Petitioners,

522 vs.

Steamship "Zarembo" Her Engines, etc., American West African Line, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company, et al.,

Petitioners,

526 vs.

The Chicago, Rock Island and Pacific Railway Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Shelton Pitney and Walter P. Gardner, Trustees of the Central Railroad Company of New Jersey, a Debtor,

Petitioners,

534 vs.

The State of New Jersey, a Creditor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Shelton Pitney and Walter P. Gardner, Trustees of the Central Railroad Company of New Jersey, a Debtor,

Petitioners,

535 vs.

The State of New Jersey, a Creditor and The City of Jersey City.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees, et al.,

Petitioners,

435 vs.

United Transport Service Employees of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge is of opinion that the petition for rehearing should be granted, the case restored to the docket and set for argument.

Colgate-Palmolive-Peet Company,

Petitioner,

38 vs.

The United States of America; and

Colgate-Palmolive-Peet Company,

Petitioner,

39 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Jackson took no part in the consideration or decision of this application.

Ford Motor Company,

Petitioner,

49 vs.

Gordon Form Lathe Company; and

Ford Motor Company,

Petitioner,

50 vs.

Gordon Form Lathe Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Anna Royer, Administratrix, etc.,

Petitioner,

124 vs.

Jerome K. Greiner.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Anna Royer, Administratrix, etc.,

Petitioner,

124 vs.

Jerome K. Greiner.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harrison E. Pryberger,

Petitioner.

439 vs.

Consolidated Electric and Gas Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Le Roy J. Leishman,

Petitioner,

455 vs.

Associated Wholesale Electric Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fides, A. G.,

Petitioner,

478 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mittie Maude Lena Gordon, et al.,

Petitioners,

479 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Guy Whiteford,

Petitioner,

485 vs.

The Hecht Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

O R D E R

The Court will take a recess from Monday, January 17, until Monday, January 31, next.

- - - - -

Chester Bowles, as Administrator of the Office of Price Administration,

Appellant,

464 vs.

Mrs. Kate C. Willingham and J. R. Hicks, Jr.

Argument continued by Mr. Paul A. Freund for the appellant; by Mr. Charles J. Bloch for the appellees; and concluded by Mr. Paul A. Freund for the appellant. Leave granted appellee to file a reply brief by Thursday.

Wilma E. Addison, et al.,

Petitioners,

217 vs.

Holly Hill Fruit Products, Inc.

Argument commenced by Mr. George Palmer Garrett for the petitioners; continued by Mr. Douglas B. Maggs, for the Administrator of the Wage and Hour Division, U. S. Department of Labor, as amicus curiae, by special leave of Court; by Mr. G. L. Reeves for the respondent; and concluded by Mr. Ellis P.Davis for the petitioners.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, JANUARY 11, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John T. Cahill, It is ordered that Neil C. Mead, Esquire, of Boston, State of Massachusetts, and Howard C. Wood, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon W. Rapp, It is ordered that Francis M. Seaman, Esquire, of Perth Amboy, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee I. Park, It is ordered that Frank B. Wallis, Esquire, of Boston, State of Massachusetts be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Archibald Cox, It is ordered that Edward B. Hanify, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney S. Alderman, It is ordered that H. G. Hedrick, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

The United States of America,

Appellant,

354 vs.

South-Eastern Underwriters Association, et al.

Argued by Mr. Attorney General Biddle for the appellant and by Mr. John T. Cahill and Mr. Dan MacDougald for the appellees. Leavy granted appellant to file an additional brief by Thursday next.

Polish National Alliance of the United States of North America,

Petitioner,

226 vs.

National Labor Relations Board.

Argument commenced by Mr. Ewart Harris for the petitioner and continued by Mr. Attorney General Biddle for the respondent.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Philip Rosenfeld, It is ordered that Morton L. Wallerstein, Esquire, of Richmond, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Paul Williams, otherwise called
Paul Le Roy Williams,

Petitioner,

538 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Paul Williams, otherwise called Paul Le Roy Williams,

Petitioner,

538 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Paul Williams, otherwise called Paul Le Roy Williams,

Petitioner,

538 vs.

The People of the State of Illinois.

ON CONSIDERATION of the application for stay of execution in this cause,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

- - - - - - - - - -

Polish National Alliance of the United States of North America,

Petitioner,

226 vs.

National Labor Relations Board.

Argument continued by Mr. Attorney General Biddle for the respondent and concluded by Mr. Ewart Harris for the petitioner.

Lonnie E. Smith,

Petitioner,

51 vs.

S.E. Allwright, Election Judge, et al.

Reargued by Mr. Thurgood Marshall and Mr. William H. Hastie for the petitioner and by Mr. George W. Barcus for Gerald C. Mann, Attorney General of Texas, as amicus curiae, by special leave of Court No appearance for the respondents. Leave granted to file additional brief for petitioner by Friday next.

R. Simpson & Co., Inc.,

Petitioner,

1 vs.

Commissioner of Internal Revenue.

Argued by Mr. Gerald Donovan for the petitioner and by Mr. J. Louis Monarch for the respondent.

Commissioner of Internal Revenue,

Petitioner,

115 vs.

Lane-Wells Company and Technicraft Engineering Corporation.

Argued by Mr. J. Louis Monarch for the petitioner and by Mr. Raphael Dechter for the respondent.

A. M. Anderson, Receiver of National Bank of Kentucky, etc.,

Petitioner,

3 vs.

Katherine Kirkpatrick Abbott, Administratrix, etc., et al.

Reargument commenced by Mr. Robert S. Marx for the petitioner.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Nathan L. Miller, It is ordered that Roger M. Blough, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry A. Schweinhaut, It is ordered that Ezra E. Hamstead, Esquire, of Morgantown, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Richard Lester Bloss, Jr., Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Francis Andersen, It is ordered that Daniel J. McNally, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

A. M. Anderson, Receiver of
National Bank of Kentucky, etc.,

Petitioner,

3 vs.

Katherine Kirkpatrick Abbott,
Administratrix, etc.

Reargument continued by Mr. Robert S. Marx for the petitioner; by Mr. Allen P. Dodd for the respondent; and concluded by Mr. Robert S. Marx, for the petitioner.

Tennessee Coal, Iron & Railroad
Company, et al.,

Petitioners,

409 vs.

Muscoda Local No. 123, etc.,
et al.

Three hours allowed for oral argument. Argument commenced by Mr. Nathan L. Miller for the petitioner, Tennessee Coal, Iron & R. R. Co., and continued by Mr. Crampton Harris for the respondents, Muscoda Local No. 123, etc., et al.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, JANUARY 14, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Howard Cecil Kilpatrick, It is ordered that Fred S. Ball, Jr., Esquire, of Montgomery, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph H. Davis, It is ordered that John Edwin Anderton, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Marcella R. Schultz, It is ordered that David London, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer O. Goodwin, It is ordered that Edward F. Clark, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Claude D. Stout, Esquire, of Edgerton, State of Wisconsin, and Edward L. Butterworth, Esquire, of Beverly Hills, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that John S. Redditt, Esquire, of Lufkin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Tennessee Coal, Iron & Railroad Company, et al.,

Petitioners,

409 vs.

Muscoda Local No. 123, etc., et al.

Argument continued by Mr. Solicitor General Fahy for the respondent, Administrator of the Wage and Hour Division, United States Department of Labor, and concluded by Mr. Borden Burr for petitioner, Tennessee Coal, Iron & Railroad Co. Case submitted by Mr. E. L. All, Mr. S. M. Bronaugh, and Mr. William B. White for petitioner, Sloss-Sheffield Steel & Iron Co., and by Mr. T. F. Patton, Mr. R. T. Rives, and Mr. Borden Burr for petitioner, Republic Steel Corporation.

Delbert O. Stark, A. F. Stratton, et al.,

Petitioners,

211 vs.

Claude R. Wickard, Secretary of Agriculture of the United States, et al.

Argued by Mr. Edward B. Hanify for the petitioners and by Mr. Paul A. Freund for the respondent.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, January 17, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Philip Todres, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Donnelly, It is ordered that Julius Hallheimer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Prentiss M. Brown, It is ordered that Wendell Lund, Esquire, of Washington, District of Columbia, and Edward H. Fenlon, Esquire, of Saint Ignace, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude E. Wakefield, It is ordered that George T. Nickell, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that Manuel M. Gorman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. McClure, It is ordered that James A. Farmer, Esquire, of Belleville, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin Geiger, It is ordered that Herbert L. Wasserman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that Eli Freed, Esquire, of San Francisco, State of California, and Ruby Freed, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Carl I. Wheat, It is ordered that Francis L. Cross, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leigh Athearn, It is ordered that Milton Maxwell Newmark, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard A. Moore, It is ordered that Churchill Rodgers, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

The Brotherhood of Railroad Trainmen, Enterprise Lodge No. 27, et al.,

Petitioners,

28 vs.

Toledo, Peoria & Western Railroad.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

McLean Trucking Company, Inc., The Secretary of Agriculture of the United States, and American Farm Bureau Federation,

Appellants,

31 vs.

The United States of America, Interstate Commerce Commission, Associated Transport, Inc., Barnwell Brothers, Inc., et al.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Rutledge.

Dissenting: Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

William J. Demorest, Jr., Ann Demorest and Carolyn Demorest by Francis J. Mahoney, Their Special Guardian,

Appellants,

52 vs.

City Bank Farmers Trust Company, as Trustee Under the Will of Henry C. West, Deceased, et al.

Appeal from the Surrogate's Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Surrogate's Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the order of the said Surrogate's Court on the remittiturs from the Appellate Division of the Supreme Court and Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

Thomas B. Dyett, Special Guardian for Joachim Heinrich Schmidt,

Appellant,

227 vs.

Title Guarantee and Trust Company, et al.

Appeal from the Surrogate's Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Surrogate's Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the decree of the said Surrogate's Court on the remittitur from the Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

Charles M. Thomson, as Trustee of the Property of the Chicago and North Western Railway Company,

Appellant,

70 vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to said District Court with directions to remand it to the Interstate Commerce Commission for such further proceedings, consistent with the opinion of this Court, as may be appropriate.

Per Mr. Justice Murphy.

Dissenting: Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black concurs.

Mary Tennant, Administratrix of the Estate of Harold C. Tennant, Deceased,

Petitioner,

94 vs.

Peoria and Pekin Union Railway Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Mr. Justice Frankfurter and Mr. Justice Jackson concur in the result.

Dissenting: Mr. Chief Justice Stone and Mr. Justice Roberts.

Joseph E. Snowden, Petitioner, vs. Edward J. Hughes, Louie E. Lewis and Robert E. Straus, et al., etc.

57

On writ of certiorari to the United States Circuit Court of Appeals for Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs for failure of the complaint to state a cause of action within the jurisdiction of the District Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge concurs in the result.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Murphy concurs.

- - - - - - - - - -

The Chief Justice announced the following order of the Court:

- - - - - - - - - -

The United States of America, Petitioner, vs. John Waterhouse, Ernest Hay Wodehouse, Walter Francis Frear, et al., etc.

209

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to

the District Court of the United States for the Territory of Hawaii.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson states that, the proceeding having been commenced as the record shows, "under the instructions of the Attorney General" and the valuation for which the Government now contends appearing to have been fixed, at the time when he held that office, he thinks it inappropriate that he should now participate in the determination of the case, notwithstanding he has no recollection of personal participation in the Departmental action.

- - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

Ex parte Louis Red Cloud,

Petitioner.

——,

ON CONSIDERATION of the application submitted herein by Louis Red Cloud,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Frank Harris,

Petitioner.

——,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Benjamin Olweiss, et al.,

Petitioners,

—— vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari nunc pro tunc in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

August P. Norton, Deputy Commissioner, etc.,

Petitioner,

362 vs.

Warner Company.

ON CONSIDERATION of the motion of Maurice S. Levy for leave to appear and present oral argument on behalf of Nicholas Rusin as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied. Leave is granted Mr. Levy to file a brief as amicus curiae.

Per Mr. Chief Justice Stone.

Carl Wilhelm Baumgartner,

Petitioner,

493 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Order allowing certiorari.

Petitioner,

514 vs.

James P. Mitchell.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Order allowing certiorari.

Petitioner,

515 vs.

James P. Mitchell.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

514 vs.

James P. Mitchell; and

The United States of America,

Petitioner,

515 vs.

James P. Mitchell.

ON CONSIDERATION of the motion of respondent for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Patrick Cudahy Family Company,
Petitioner,
518 vs.
Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nellie Faye Beamer, Administratrix of the Estate of Robert P. Beamer, Deceased,
Petitioner,
530 vs.
The Virginian Railway Company.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Consumers Brewing Company,
Petitioner,
543 vs.
The E. F. Prichard Company and The Heidelberg Brewing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Schroepfer, Charles R. Schroepfer, and Abraham Berry,

Petitioners,

545 vs.

The A. S. Abell Company, Inc.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Fred Schroepfer, Charles R. Schroepfer, and Abraham Berry,

Petitioners,

545 vs.

The A. S. Abell Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Martin J. Bernards and Lena Bernards,

Petitioners,

539 vs.

M. R. Johnson, Catherine Collins, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Martin J. Bernards and Lena Bernards,

Petitioners,

539 vs.

M. R. Johnson, Catherine Collins, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Arthur S. Humes,

Petitioner,

---.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Trico Products Corporation,

Petitioner,

490 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Magnolia Petroleum Company,

Petitioner,

29 vs.

Sullivan H. Hunt.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Equitable Life Assurance Society of the United States,

Petitioner,

492 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bernard Eugene Smith, et al., as co-partners, etc.,

Appellants.

502 vs.

J. N. Lummus, Jr., as Tax Assessor, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pen-Ken Gas & Oil Corporation,

Petitioner,

517 vs.

Warfield Natural Gas Company.

ON CONSIDERATION of the motion of counsel for petitioner to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extendedto and including February 28 next.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, January 31, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. J. May, It is ordered that Eldon S. Dummit, Esquire, of Lexington, State of Kentucky, and Earl S. Wilson, Esquire, of Louisville, State of Kentucky, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Gregory J. Holbrook, Esquire, of Hamilton, State of Ohio, and Albert Lee Stephens, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugenio M. Fonbuena, It is ordered that Narciso Frigillana y Olaes, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Felix M. Garcia, Esquire, of Dallas, State of Texas, and John A. Johnson, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George B. Searls, It is ordered that Howard R. Klostermeyer, Esquire, of Charleston, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Yates Dowell, It is ordered that Leonard J. Mandl, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas B. Maggs, It is ordered that Jeter Seehorn Ray, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Arthur J. Stanley, Esquire, of Kansas City, State of Kansas, and Joseph Edwin Schroeder, Esquire, of Kansas City, State of Kansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward A. Penprase, It is ordered that Richard H. Forster, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Effinger Smoot, It is ordered that William J. Maloney, Esquire, of Rochester, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Granville Munson, It is ordered that Harry Grossman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Charles R. Holton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert P. Smith, It is ordered that William E. Evenson, Jr., Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Fuchs, It is ordered that Robert H. Bush, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Donnelly, It is ordered that W. B. Shelby Crichlow, Esquire, of Bradenton, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that Tyre W. Burton, Esquire, of Jefferson City, State of Missouri, and Frank W. Hayes, Esquire, of Sedalia, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - - -

Sarah Prince, Appellant, vs. Commonwealth of Massachusetts. Appeal from the Superior Court of Plymouth County, Commonwealth of Massachusetts.

98

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of Plymouth County, Commonwealth of Massachusetts, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the decision or judgment of the Supreme Judicial Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Rutledge.

Separate opinion by Mr. Justice Jackson in which Mr. Justice Roberts and Mr. Justice Frankfurter join.

Dissenting opinion by Mr. Justice Murphy.

Davies Warehouse Company, Petitioner, vs. Chester Bowles, Price Administrator. — On writ of certiorari to the United States Emergency Court of Appeals.

112

THIS CAUSE came on to be heard on the transcript of the record from the United States Emergency Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Emergency Court of Appeals in this cause, be, and the same is hereby, reversed; and that this cause, be, and the same is hereby, remanded to the Emergency Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy concur.

John Thomas Carter and Eugene Pearson Macemore, Appellants, vs. The Commonwealth of Virginia. — Appeal from the Supreme Court of Appeals of the Commonwealth of Virginia.

134

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Appeals of the Commonwealth of Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Justice Jackson concurs in the result only, for the reasons stated in his separate opinion in Duckworth vs. Arkansas, 314 U.S. 390.

Concurring opinion by Mr. Justice Black.

Concurring opinion by Mr. Justice Frankfurter.

Earl Dickerson, W. O. Page, et al.,
Appellants,
vs.
Commonwealth of Virginia.

Appeal from the Supreme Court of Appeals of the Commonwealth of Virginia.

198

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Appeals of the Commonwealth of Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Justice Jackson concurs in the result only, for the reasons stated in his separate opinion in Duckworth vs. Arkansas, 314 U. S. 390.

Concurring opinion by Mr. Justice Black.

Concurring opinion by Mr. Justice Frankfurter.

The B. F. Goodrich Company,
Petitioner,
vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

158

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice Black.

Northwestern Electric Company and American Power & Light Company,

Petitioners,

195 vs.

Federal Power Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Anton Mahnich,

Petitioner,

200 vs.

The Southern Steamship Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Frankfurter joins.

Ex parte Henry Hawk, Petitioner, — On motion for leave to file petition for writ of habeas corpus.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus and the return to the rule to show cause herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to resort to the procedure indicated as appropriate in the opinion of this Court.

IT IS FURTHER ORDERED that the rule to show cause issued herein be, and the same is hereby, discharged.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - -

Eddie J. Viator, J. A. Viator, J. J. Viator, et al., Appellants, vs. R. C. Edwins, Sheriff of Harrison County, Mississippi, et al. — Appeal from the Supreme Court of the State of Mississippi.

457

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

Eddie J. Viator, J. A. Viator, J. J. Viator, et al.,

Appellants,

457 vs.

R. C. Edwins, Sheriff of Harrison County, Mississippi, et al.

On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lou Nathanson,

Petitioner,

560 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Lou Nathanson,

Petitioner,

560 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was duly submitted:

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be,

and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri with directions to proceed in conformity with the Act of December 23, 1943, Public Law No. 213.

Per Mr. Chief Justice Stone.

NOTE: This judgment was amended by order of February 7, 1944, and as so amended reads as follows: (Page 454)

Lou Nathanson,

Petitioner,

560 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remandedto the District Court of the United States for the Western District of Missouri with directions to proceed in conformity with the Act of December 23, 1943, Public Law No. 213, but without prejudice to the consideration of any questions which petitioner may wish to raise as to the validity or application of that Act.

- - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

People of the State of Illinois, ex rel. Joseph Williams,

Petitioner,

——. vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the application submitted herein by Joseph Williams,

IT IS ORDERED by this Court that the said application be, and

Ex parte Garfield J. Kelly,

Petitioner,

---.

ON CONSIDERATION of the application submitted herein by Garfield J. Kelly,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Taylor Seals,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James Thomas,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Joseph E. Jones,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Merritt R. Longbrake,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Great Northern Life Insurance Company,

Petitioner,

235 vs.

Jess G. Read, Insurance Commissioner for the State of Oklahoma.

ON CONSIDERATION of the motion for leave to file brief of John H. Miley and Russell V. Johnson as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America and Mesta Machine Company,

Appellants,

417 vs.

County of Allegheny, Pennsylvania.

ON CONSIDERATION of the motion of National Institute of Municipal Law Officers for leave to appear and present oral argument as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lester Follett,

Appellant,

486 vs.

Town of McCormick, South Carolina.

ON CONSIDERATION of the motion of American Civil Liberties Union for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

City of Yonkers and John W. Tooley, Jr., as President, etc.,

Appellants,

109 vs.

The United States of America, et al.

ON CONSIDERATION of the motion of counsel for the New York Central Railroad Company to stay the mandate of this Court until March 1,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Black states: "I dissent. As this record stands, railroad service to Yonkers has been abandoned without any valid order authorizing such action. I therefore would permit the Court's mandate to go down. But if the mandate is to be stayed, I think that, at the very least, since the stay is equivalent to an injunction, a bond should be required of the railroad in an amount sufficient to protect the people of Yonkers against such loss as the city or its citizens may sustain in case it is ultimately decided that the railroad had no legal right to abandon its service. Cf. Inland Steel Co. v. United States, 306 U. S. 153, 156-157."

Mr. Justice Douglas and Mr. Justice Murphy agree with this dissent.

The United States of America, et al.,

Appellants,

589 vs.

Marshall Transport Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Hans Pete Mortensen and Lorraine Mortensen,

Petitioners,

559 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Wisconsin Gas and Electric Company,

Petitioner,

565 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Hermosa Amusement Corporation, Ltd., a Corporation, and J. M. Anderson,

Petitioners,

542 vs.

Sterling Carr, as Trustee in Bankruptcy of Nippon Yusen Kabushiki Kaisya, a Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

The Union Trust Company of Pittsburgh, Administrator of the Estate of Melissa Stewart McKee Carnahan, Deceased,

Petitioner,

546 vs.

William Driscoll, Individually and as Former Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Commonwealth Trust Company of Pittsburgh, et al., Executors of the Estate of John W. Herron, Deceased,

Petitioners,

547 vs.

William Driscoll, Individually and as Former Collector of Internal Revenue for the Twenty-Third Collection District of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The Columbian National Life Insurance Company,

Petitioner,

548 vs.

Marguerite W. Keyes.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Columbian National Life Insurance Company,

Petitioner,

549 vs.

Marguerite Keyes, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George P. Wood, Grace Schmidt, H. Glen Wood, Leaffia Howe,

Petitioners,

550 vs.

First National Bank of Woodlawn, Illinois, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Curacao Trading Co., Inc.,

Petitioner,

551 vs.

Federal Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Columbian National Life Insurance Company,

Petitioner,

580 vs.

Abraham Goldberg.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Julius Aronoff,

Petitioner,

554 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Carl Silver,

Petitioner,

555 vs.

Thomas J. O'Brien, Sheriff of Cook County, Illinois.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edith Harrison Epp, a Secured Creditor,

Petitioner,

557 vs.

Robert F. Ricknell, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Empire Trust Company, as Trustee Under Indentures Securing Debentures of Associated Gas and Electric Corporation, Due 1973,

Petitioner,

563 vs.

Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fidelity and Deposit Company of Maryland,

Petitioner,

564 vs.

Pinkerton's National Detective Agency, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Black Diamond Lines, Inc., Petitioner, vs. Pioneer Import Corporation and Tampa-Inter-Ocean Steamship Company.

570 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Patricia R. O'Brien, Petitioner, vs. Edwin J. O'Brien, Jr., James G. O'Brien, Joseph B. O'Brien, et al.

499 — On petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the Commonwealth of Kentucky, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Samuel Kelly, Petitioner, vs. Commonwealth of Virginia; and

Samuel Kelly, Petitioner, vs. W. Frank Smyth, as Superintendent of the Virginia State Penitentiary.

600 and 601

ON CONSIDERATION of the motion for bail in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Samuel Kelly,

Petitioner,

600 vs.

Commonwealth of Virginia.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel Kelly,

Petitioner,

601 vs.

W. Frank Smyth, as Superintendent of the Virginia State Penitentiary.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert L. Linn,

Petitioner,

505 vs.

The State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert L. Linn,

Petitioner,

505 vs.

The State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of Illinois, ex rel. Harry Bachalder,

Petitioner,

507 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The People of the State of Illinois, ex rel. Harry Bachalder,

Petitioner,

507 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Meyers,

Petitioner,

508 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harry Meyers,

Petitioner,

508 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

People of the State of Illinois, ex rel. Joseph Di Chiara,

Petitioner,

524 vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

People of the State of Illinois, ex rel. Joseph Di Chiara,

Petitioner,

524 vs.

Joseph E. Ragen, Warden, etc.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis Haines,

Petitioner,

527 vs.

The People of the State of Illinois, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Francis Haines,

Petitioner,

527 vs.

The People of the State of Illinois, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter Davidson,

Petitioner,

528 vs.

Arthur A. Bennett, Warden of the Pontiac Branch of the Illinois State Penitentiary, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter Davidson,

Petitioner,

528 vs.

Arthur A. Bennett, Warden of the Pontiac Branch of the Illinois State Penitentiary, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Royal Provost,

Petitioner,

532 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Royal Provost,

Petitioner,

532 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Avonts,

Petitioner,

533 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Avonts,

Petitioner,

533 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of
Illinois, ex rel. James Doyle,

Petitioner,

536 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The People of the State of
Illinois, ex rel. James Doyle,

Petitioner,

536 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alvin Scheib,

Petitioner,

540 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Alvin Scheib,

Petitioner,

540 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. Joseph Richards, alias Joseph Richetsky,

Petitioner,

529 vs.

Robert J. Kirby, as Warden of Sing Sing Prison at Ossining, New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The People of the State of New York, ex rel. Joseph Richards, alias Joseph Richetsky,

Petitioner,

529 vs.

Robert J. Kirby, as Warden of Sing Sing Prison at Ossining, New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul Cullen Whittington,

Petitioner,

544 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Paul Cullen Whittington, Petitioner, 544 vs. The United States of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James B. Edwards,

Petitioner,

562 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James B. Edwards,

Petitioner,

562 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ruby Lee Rucker, Margie Van Sickle, Bobbie Hoffman, et al.,

Petitioners,

571 vs.

The First National Bank of Miami, Oklahoma.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ruby Lee Rucker, Margie Van Sickle, Bobbie Hoffman, et al.,

Petitioners,

571 vs.

The First National Bank of Miami, Oklahoma.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte H. Ely Goldsmith,

Petitioner.

---,

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied. The applications to individual Justices have been considered by them individually and they are denied.

Per Mr. Chief Justice Stone.

Interstate Commerce Commission, et al.,

Appellants,

43 vs.

Hoboken Manufacturers' Railroad Company.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Interstate Commerce Commission, et al.,

Appellants,

43 vs.

Hoboken Manufacturers' Railroad Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Atlantic Refining Company,
Owner of the Tank Steamship
"Bohemian Club",

Petitioner,

56 vs.

A. P. Moller, Claimant, etc.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The Atlantic Refining Company,
Owner of the Tank Steamship
"Bohemian Club",

Petitioner,

56 vs.

A. P. Moller, Claimant, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clyde Brazel,

Petitioner,

553 vs.

Harry H. Jackson, Warden, etc.

ON CONSIDERATION of the motion for leave to submit additional matter in support of the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clyde Brazel,

Petitioner,

553 vs.

Harry H. Jackson, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Oliver Hill, Administrator, etc.,

Petitioner,

4 vs.

Francis L. Hawes, Individually and as Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of California and Board of State Harbor Commissioners for San Francisco Harbor,

Appellants,

20 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City of Oakland, a Municipal Corporation, etc.,

Appellant,

22 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nick Walbo,

Petitioner,

73 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

83 vs.

Jacob Mark and Hyman Yaffee,
Co-partners, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

O R D E R

- - - - - - - - - - -

Mr. Ernest Knaebel, the Reporter of this Court, having heretofore by a communication addressed to the Chief Justice under date of December 13, 1943, signified his desire to retire (pursuant to the Act of July 13, 1937) either on the 31st day of that month or on such later day as to the Court might seem preferable; and the Court having addressed to Mr. Knaebel a communication dated December 21, 1943, acquiescing in his request; but no date for retirement having as yet been definitely fixed,

IT IS NOW HERE ORDERED that the 31st day of January, 1944, be and it hereby is designated as the effective day of Mr. Knaebel's retirement and of his separation from the service.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The State of Kansas,

Complainant,

9, Original vs.

The State of Missouri.

Argued on the exceptions of the complainant to the report of the Special Master by Mr. Joseph E. Schroeder for the complainant and by Mr. Tyre W. Burton and Mr. Frank W. Hayes for the defendant.

Great Northern Life Insurance Company,

Petitioner,

235 vs.

Jess G. Read, Insurance Commissioner for the State of Oklahoma.

Argued by Mr. Charles R. Holton and by Mr. John A. Johnson for the petitioner and by Mr. Fred Hansen for the respondent.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George A. Keyser, It is ordered that Malcolm D. Miller, Esquire, of Arlington, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. May, It is ordered that Kelly Kash, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. K. Hopkins, It is ordered that Harrison Combs, Esquire, of Christopher, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leffel Gentry, It is ordered that J. Fred Brown, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Ernest Roe, It is ordered that A. Matt. Werner, Esquire, of Sheboygan, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this

On motion first made to the Court in this behalf by Mr. F. M. Durranco, It is ordered that Mary Farris Willey, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Harry Leroy Jones, It is ordered that Frank Rashap, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lloyd Fletcher, Jr., It is ordered that John P. Ward, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Overton Brooks, It is ordered that Leonard Lloyd Lockard. Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Gene Lary, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Union Brokerage Company,

Petitioner,

291 vs.

Norman G. Jensen and Curtis M. Rime.

Argued by Mr. Leonard Eriksson for the petitioner and by Mr. Ordner T. Bundlie for the respondents.

The United States,

Petitioner,

75 vs.

Algernon Blair, Individually, etc.

Argued by Mr. Assistant Attorney General Shea for the petitioner and by Mr. M. Cecil Kilpatrick and Mr. Richard S. Doyle for the respondent.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. L. Mendel Rivers, It is ordered that Clinton Tompkins Graydon, Esquire, of Columbia, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Chadwell, It is ordered that Richard M. Keck, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore A. Hostetler, It is ordered that Irving B. Drachlis, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Wesley E. Brown, Esquire, of Hutchinson, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Joseph E. Snowden,

Petitioner,

57 vs.

Edward J. Hughes, Louie E. Lewis, et al., etc.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 6, next, and mandate stayed.

Per Mr. Chief Justice Stone.

The United States of America, et al.,

Appellants,

417 vs.

County of Allegheny, Pennsylvania.

ON CONSIDERATION of the motion of Mr. Walter P. Smart for leave to withdraw his appearance as counsel for the appellee in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Arthur Goodwyn Billings,

Petitioner,

215 vs.

Karl Truesdell, Major General, United States Army.

Argued by Mr. Edward G. Jennings for the respondent and case submitted by Mr. Lee Bond for the petitioner.

Anderson National Bank, suing
on behalf of itself, etc.,

Appellants,

154 vs.

H. Clyde Reeves, individually,
etc., et al.

Argument commenced by Mr. William Marshall Bullitt for the appellants, continued by Mr. Earl S. Wilson for the appellees; by Mr. Clarence A. Linn for the State of California, as amicus curiae, by special leave of Court; and concluded by Mr. Charles W. Milner for the appellants.

The Goodyear Tire & Rubber Company,
Inc., et al.,

Petitioners,

262 vs.

Ray-O-Vac Company.

Argument commenced by Mr. William E. Chilton for the petitioners.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that C. G. Stidham, Esquire, of Houston, State of Texas, and William S. Cole, Esquire, of Bangor, State of Maine, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence A. Linn, It is ordered that Elizabeth M. Doyle, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Charles E. Dunbar, Jr., It is ordered that Walker Brainerd Spencer, Jr., Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. May, It is ordered that J. J. Moore, Esquire, of Pikeville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. Bush, It is ordered that Allan Wilbur Denny, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Helen Rembert Carloss, It is ordered that Muriel S. Paul, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Henry Munroe, It is ordered that Arthur B. Carton, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

The Goodyear Tire & Rubber Company, Inc., et al.,

Petitioners,

262 vs.

Ray-O-Vac Company.

Argument continued by Mr. William E. Chilton for the petitioners; by Mr. Bernard A. Schroeder and Mr. Gerhard A. Gesell for the respondent; and concluded by Mr. Albert R. Golrick for the petitioners.

J. M. Sartor, et al.,

Petitioners,

232 vs.

Arkansas Natural Gas Corporation.

Argued by Mr. Gilbert P. Bullis for the petitioners and Mr. Elias Goldstein for the respondent.

The Hecht Company,

Petitioner,

316 vs.

Chester Bowles, Price Administrator.

Argument commenced by Mr. Charles A. Horsky for the petitioner.

- - - - - - - - - -

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frederick Oliver Graves, It is ordered that Robert B. Sales, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth G. Avery, It is ordered that Louis Charles Chubb Moore, Esquire, of Salinas, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arvin B. Shaw, Jr., It is ordered that Albert E. Chandler, Esquire, of San Francisco, State of California, and Edward G. Chandler, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin A. Swingle, It is ordered that Leslie Craig Scholle, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arne C. Wiprud, It is ordered that David S. Craig, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Belford Vance Lawson, Jr., It is ordered that Jesse Bowman Mann, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David London, It is ordered that Ely H. Chayet, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, It is ordered that William V. McDermott, Esquire, of Mobile, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vernon L. Wilkinson, It is ordered that John Patrick Hearne, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Richard A. Knight,

Petitioner,

462 vs.

The Bar Association of the City of New York.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including February 28, next.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The Hecht Company,

Petitioner,

316 vs.

Chester Bowles, Price Administrator.

Argument continued by Mr. Charles A. Horsky for the petitioner and concluded by Mr. Chester T. Lane for the respondent.

Murray B. McLeod, Commissioner of Revenues of the State of Arkansas,

Petitioner,

311 vs.

J. E. Dilworth Company, et al.

Argued by Mr. Leffel Gentry for the petitioner; by Mr. J. Fred Brown for the respondent, J. E. Dilworth Co.; and by Mr. William H. Daggett for the respondent, Reichman-Crosby Co.

General Trading Company, a corporation doing business as Minneapolis Iron Store,

Petitioner,

441 vs.

State Tax Commission of the State of Iowa.

Argued by Mr. Edward S. Stringer for the petitioner and by Mr. Jens Grothe for the respondent.

J. Howell Flournoy, Sheriff and Ex-officio Tax Collector,

Appellant,

252 vs.

Samuel G. Wiener, et al.

Argument commenced by Mr. Leonard L. Lockard for the appellant.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. T. B. Cosgrove, It is ordered that Edward L. Compton, Esquire, of Los Angeles, State of California; John MacFarland Hall, Esquire, of Los Angeles, State of California; and Lewis Bailey Binford, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel O. Clark, Jr., It is ordered that Harry Baum, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore T. Golden, It is ordered that W. Bertram Waychoff, Esquire, of Waynesburg, State of Pennsylvania, and Laurence Black Jacobs, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur W. A. Cowan, It is ordered that Jacob Brenner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur M. Becker, It is ordered that Paul Emil Fusco, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard S. Salant, It is ordered that Arthur L. Shipman, Jr., Esquire, of Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bartholomew W. Butler, It is ordered that Lucas Soren Miel, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren McLaine, It is ordered that Henry Whitcomb Sweeney, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dale D. Drain, It is ordered that Arnold Landon Graves, Esquire, of Spokane, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton W. King, It is ordered that Harry T. Zucker, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Eastern-Central Motor Carriers Association, Middle Atlantic States Motor Carrier Conference, Inc., and Central States Motor Freight Bureau, Inc.,

Appellants,

105 vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court with directions to remand the cause to the Interstate Commerce Commission for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice and Mr. Justice Reed concur.

B. H. Inness Brown, David Paine, Ethelbert Warfield, et al.,

Petitioners,

183 vs.

John Gerdes and James D. Carpenter, Jr., Trustees of Reynolds Investing Co., Inc., Debtor.

On writ of certiorari to the Court of Appeals of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals.

Per Mr. Justice Douglas.

Mr. Justice Roberts concurs in the result.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Jackson joins.

- - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

George H. Beilfuss,
Appellant,
vs.
The People of the State of California.

Appeal from the District Court of Appeal of the State of California, 2nd Appellate District.

603

THIS CAUSE came on to be heard on the transcript of the record from the District Court of Appeal of the State of California, 2nd Appellate District, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

George H. Beilfuss,
Appellant,
vs.
The People of the State of California.

Appeal from the District Court of Appeal of the State of California, 2nd Appellate District.

603

TREATING the appeal papers herein from the District Court of Appeal of the State of California, 2nd Appellate District, as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Ex parte Norman Baker,
Petitioner.

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the

Ex parte Charles Janulis,

Petitioner.

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles E. Raggio,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Garfield J. Kelly,

Petitioner,

---.

ON CONSIDERATION of the application submitted herein by Garfield J. Kelly,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Illinois,

Complainant,

11, Original vs.

The State of Indiana, et al.

ON CONSIDERATION of the motion of the State of Indiana to dismiss the complaint in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to any question presented, Wisconsin

vs. Illinois, 270 U. S. 634. The replies of the complainant to the answers are received and ordered filed.

Per Mr. Chief Justice Stone.

Lou Nathanson,

Petitioner,

560 vs.

The United States of America.

The order entered January 31st is amended to read as follows:

"Per curiam: The petition for writ of certiorari is granted. The judgment of the Circuit Court of Appeals is vacated and the cause is remanded to the District Court of the United States for the Western District of Missouri with directions to proceed in conformity with the Act of December 23, 1943, Public Law No. 213, but without prejudice to the consideration of any questions which petitioner may wish to raise as to the validity or application of that Act."

Per Mr. Chief Justice Stone.

Anderson National Bank, suing on behalf of itself and all others similarly situated,

Appellants,

154 vs.

H. Clyde Reeves, individually and as Commissioner of Revenue of the State of Kentucky, etc., et al.

ON CONSIDERATION of the stipulation of counsel to substitute J. E. Luckett, present Commissioner of Revenue of the State of Kentucky, J. J. Tye and Charles E. Whittle, present members of the Kentucky Tax Commission and Associate Commissioners of Revenue of the State of Kentucky, and Elden S. Dummit, present Attorney General, as parties appellee in the place and stead of H. Clyde Reeves, C. M. Porter, R. L. McFarland, and Hubert Meredith, respectively,

IT IS ORDERED by this Court that the above mentioned parties be substituted as provided in said stipulation, and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Augustus P. Norton, Deputy
Commissioner for the Third
Compensation District,

Petitioner,

362 vs.

Warner Company.

ON CONSIDERATION of the motion of Abraham E. Freedman for leave to present oral argument as amicus curiae in this case within the time allotted respondent,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Chicago, Saint Paul, Minneapolis
& Omaha Railway Company, et al.,

Appellants,

482 vs.

The United States of America,
et al.

ON CONSIDERATION of the application of counsel for appellee, Glendenning Motorways, Inc., for the allowance of twenty minutes for the presentation of oral argument in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

City of Coral Gables, Florida,

Petitioner,

388 vs.

Ed. C. Wright, Doing Business
as Ed. C. Wright & Company, etc.,
et al.

ON CONSIDERATION of the motion of Fiduciary Council, Inc., for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Allen Calculators, Inc.,

Appellant,

592 vs.

The National Cash Register Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing on the merits, and the case is transferred to the summary docket.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this question.

Crown Can Company,

Petitioner,

552 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Winnie W. Scyphers,

Petitioner,

566 vs.

St. Paul National Bank.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Wholesale Dry Goods Institute, Inc., et al.,
Petitioners,
567 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Simon L. Levy and Charles B. Levy,
Petitioners,
572 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Samuel M. Coombs, Jr., Trustee in Bankruptcy of the Spier Aircraft Corporation,
Petitioner,
574 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Israel A. Abrams, et al., Bernard Shulman and Meyer Abrams,

Petitioners,

575 vs.

Henry A. Scandrett, et al., Trustees of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Grand Rapids Furniture Company, an Illinois Corporation,

Petitioner,

583 vs.

Grand Rapids Furniture Company, a Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Bernard Wernecke,

Petitioner,

584 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary V. Murray, Phebe Keil, Clarence Hanlon, et al.,

Petitioners,

616 vs.

Fiorello H. La Guardia, as Mayor of the City of New York, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Toffenetti Restaurant Company, Inc.,

Petitioner,

593 vs.

New York State Labor Relations Board.

ON CONSIDERATION of the application for a stay in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Toffenetti Restaurant Company, Inc.,

Petitioner,

593 vs.

New York State Labor Relations Board.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had.

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Bernatowicz,

Petitioner,

622 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edward Bernatowicz,

Petitioner,

622 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Everett Heath,

Petitioner,

506 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Everett Heath,

Petitioner,

506 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gerald Churchill Mackreth,

Petitioner,

556 vs.

State of Alabama.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Gerald Churchill Mackreth,

Petitioner,

556 vs.

State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clyde Fitzjerrell,

Petitioner,

541 vs.

C. F. Becker, as Warden of the Illinois State Prison, Menard Branch.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clyde Fitzjerrell,

Petitioner,

541 vs.

C. F. Becker, as Warden of the Illinois State Prison, Menard Branch.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clyde Fitzjerrell,

Petitioner,

—— vs.

C. F. Becker, as Warden of the Illinois State Prison, Menard Branch.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Mercoid Corporation,

Petitioner,

54 vs.

Mid-Continent Investment Company, et al.; and

The Mercoid Corporation,

Petitioner,

55 vs.

Mid-Continent Investment Company, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Mercoid Corporation,

Petitioner,

58 vs.

Minneapolis-Honeywell Regulator Company; and

The Mercoid Corporation,

Petitioner,

59 vs.

Minneapolis-Honeywell Regulator Company.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Kelley,

Appellant,

487 vs.

State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

O R D E R

The Court will take a recess from Monday, February 14, until Monday, February 28, next.

- - - - - - - - - -

National Labor Relations Board,

Petitioner,

336 vs.

Hearst Publications, Incorporated;

National Labor Relations Board,

Petitioner,

337 vs.

Stockholders Publishing Company, Inc.;

National Labor Relations Board,

Petitioner,

338 vs.

Hearst Publications, Incorporated;
and

National Labor Relations Board,

Petitioner,

339 vs.

The Times-Mirror Company.

ON CONSIDERATION of the motion for leave to file brief of International Printing Pressmen & Assistants' Union of North America, American Federation of Labor, as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

TUESDAY, FEBRUARY 8, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Albert E. Carter, It is ordered that Richard Liebman, Esquire, of Oakland, State of California, and Gordon Campbell, Esquire, of Monterey, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen H. Philbin, It is ordered that Maxwell Barus, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel H. Redfearn, It is ordered that W. Terry Gibson, Esquire, of West Palm Beach, State of Florida, and Morton B. Adams, Esquire, of Miami, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. U. Bon Geaslin, It is ordered that Samuel M. Watson, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

J. Howell Flournoy, Sheriff and
ex officio Tax Collector,

Appellant,

252 vs.

Samuel G. Wiener, et al.

Argument continued by Mr. Leonard L. Lockard for the appellant; by Mr. Assistant Attorney General Samuel O. Clark, Jr. for the United States, as amicus curiae, by special leave of Court; by Mr. Sidney L. Herold for appellees; and concluded by Mr. Max Radin for the States of California, et al., as amici curiae by special leave of Court.

The United States of America,

Petitioner,

267 vs.

Seattle-First National Bank, a
national banking association.

Argument commenced by Mr. Valentine Brookes for the petitioner.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

On motion first made to the Court in this behalf by Mr. Roy L. Deal, It is ordered that Philip A. Maxeiner, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allan Wilbur Denny, It is ordered that Winston F. Groom, Esquire, of Mobile, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Carl Wilhelm Baumgartner,

Petitioner,

493 vs.

The United States of America.

It is ordered that Harold Evans, Esquire, of Philadelphia, Pennsylvania, a member of the bar of this Court be, and he is hereby, appointed to serve as counsel for the petitioner in this case.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The United States of America,

Petitioner,

267 vs.

Seattle-First National Bank, a National Banking Association.

Argument continued by Mr. Valentine Brookes for the petitioner; by Mr. Arnold L. Graves for the respondent; and concluded by Mr. Valentine Brookes for the petitioner.

National Labor Relations Board,

Petitioner,

336 vs.

Hearst Publications, Incorporated;

National Labor Relations Board,

Petitioner,

337 vs.

Stockholders Publishing Company, Inc.;

National Labor Relations Board,

Petitioner,

338 vs.

Hearst Publications, Incorporated;
and

National Labor Relations Board,

Petitioner,

339 vs.

The Times-Mirror Company.

Three and one-half hours allowed for oral argument. Argument commenced by Mr. Alvin J. Rockwell for the petitioner; continued by Mr. John M. Hall for the respondent in No. 336; and by Mr. Edward L. Compton for the respondent in No. 338.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. Sidney Camp, It is ordered that W. Inman Curry, Esquire, of Augusta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris Shapiro, It is ordered that Milton E. Sahn, Esquire, of New York, State of New York, and Murray Sendler, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson. It is ordered that John C. Wynn, Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh H. Obear, It is ordered that Mason Ladd, Esquire, of Iowa City, State of Iowa; Howard A. Cashmore, Esquire, of New York, State of New York; and C. Alfred Capen, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Clare Foulston, It is ordered that John F. Eberhardt, Esquire, of Wichita, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

National Labor Relations Board,

Petitioner,

336 vs.

Hearst Publications, Incorporated.

National Labor Relations Board,

Petitioner,

337 vs.

Stockholders Publishing Company, Inc.;

National Labor Relations Board,

Petitioner,

338 vs.

Hearst Publications, Incorporated;
and

National Labor Relations Board,

Petitioner,

339 vs.

The Times-Mirror Company.

Argument continued by Mr. Lewis B. Binford for the respondent in No. 337; by Mr. T. B. Cosgrove for the respondent in No. 339; and concluded by Mr. Alvin J. Rockwell for the petitioner.

Hazel-Atlas Glass Company,

Petitioner,

398 vs.

Hartford-Empire Company; and

Shawkee Manufacturing Company,
et al.,

Petitioners,

423 vs.

Hartford-Empire Company.

Argument commenced by Mr. Stephen H. Philbin for the petitioner in No. 398; continued by Mr. William B. Jaspert for the petitioner in No. 423; and by Mr. Francis W. Cole for the respondent. Leave granted respondent to file reply to brief of the Government, as amicus curiae, by Friday, next.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Elisha Hanson, It is ordered that Letitia Armistead, of Williamsburg, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Ed Gossett, It is ordered that Paul J. Kilday, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip B. Perlman, It is ordered that Harry Troth Gross, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Fred Buzhardt, It is ordered that Jeff D. Griffith, Esquire, of Saluda, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Hazel-Atlas Glass Company,

Petitioner,

398 vs.

Hartford-Empire Company; and

Shawkee Manufacturing Company, et al.,

Petitioners,

423 vs.

Hartford-Empire Company.

Argument concluded by Mr. Francis W. Cole for the respondent.

The Security Flour Mills Company,

Petitioner,

276 vs.

Commissioner of Internal Revenue.

Argued by Mr. Robert C. Foulston and Mr. John F. Eberhardt for the petitioner and by Mr. J. Louis Monarch for the respondent.

Emanual Pollock,

Appellant,

345 vs.

H. T. Williams, as Sheriff of Brevard County, Florida.

Argued by Mr. Raymer F. Maguire for the appellant and by Mr. John C. Wynn for the appellee.

City of Coral Gables, Florida,

Petitioner,

388 vs.

Ed. C. Wright, doing business as Ed. C. Wright & Company, etc.

Argument commenced by Mr. Morton B. Adams for the petitioner.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Arthur L. Rowe, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. Dorroh, It is ordered that Wm. Orr Sawyers, Esquire, of Saint Joseph, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hayden C. Covington, It is ordered that Grover C. Powell, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl H. Willingham, It is ordered that William N. Gurtman, Esquire, of Passaic, State of New Jersey, and Charles J. Bodner, Esquire, of Passaic, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph E. Updike, It is ordered that Lamar Ellsworth Chamberlain, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest C. Dickson. It is ordered that B. Rhoden Coward, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Davison, Jr., It is ordered that George A. Newton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Georgia M. Spruill,

Petitioner,

475 vs.

William T. Ballard, Abram R. Serven and Harriett T. Serven, et al.

ON CONSIDERATION of the motion for an extension of the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including March 1, 1944.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

City of Coral Gables, Florida,

Petitioner,

388 vs.

Ed. C. Wright, doing business as Ed. C. Wright & Company, etc., et al.

Argument continued by Mr. Morton B. Adams for the petitioner; by Mr. Miller Walton for the respondent, Ed. C. Wright; by Mr. F. A. Berry for the respondent, The American National Bank of Nashville; and concluded by Mr. Ira C. Haycock for the petitioner.

Lester Follett,

Appellant,

486 vs.

Town of McCormick, South Carolina.

Argued by Mr. Hayden C. Covington for the appellant and by Mr. J. Fred Buzhardt and Mr. Jeff D. Griffith for the appellee.

Fred M. Vinson, Director of Economic Stabilization, etc., et al.,

Petitioners,

396 vs.

Washington Gas Light Company, et al.

Argument commenced by Mr. Paul A. Freund for the petitioners and continued by Mr. Richmond B. Keech for the respondent, Public Utilities Commission.

Proclamation being made the Court is adjourned until Monday next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that W. H. Barnes, Esquire, of Terrell, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Alex Elson, Esquire, of Chicago, State of Illinois; Lyman B. Gillett, Esquire, of Racine, State of Wisconsin; and Frederick W. Turner, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gustav B. Margraf, It is ordered that L. Presley Gill, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Colonel C. Sawyer, It is ordered that Daniel Kornblum, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. R. McGuire, It is ordered that Ferdinand F. E. Kopecky, Esquire, of Dewey, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Commissioner of Internal Revenue, Petitioner, vs. Lane-Wells Company, and Technicraft Engineering Corporation. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

115

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to remand to the Tax Court of the United States for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Jackson.

R. Simpson & Co., Inc., Petitioner, vs. Commissioner of Internal Revenue. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari in this cause, be, and the same is hereby, dismissed for the want of jurisdiction; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Murphy and Mr. Justice Rutledge concur.

John V. Dobson,

Petitioner,

44 vs.

Commissioner of Internal Revenue;
and

H. J. Harwick,

Petitioner,

47 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Jackson.

Dissenting: Mr. Justice Douglas.

- - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - -

Andrew Jackson Trimble (Jack Trimble)
and Joe Trimble, an Infant by His
Next Friend, Jack Trimble,

Appellants,

577 vs.

Zack Justice and K. L. Arnold,
Executors, et al.

ON CONSIDERATION of the motion for leave to file the statement as to jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Andrew Jackson Trimble (Jack Trimble) and Joe Trimble, an Infant by His Next Friend, Jack Trimble,

Appellants,

577 vs.

Zack Justice and K. L. Arnold, Executors, et al.

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Andrew Jackson Trimble (Jack Trimble) and Joe Trimble, an Infant by His Next Friend, Jack Trimble,

Petitioners,

577 vs.

Zack Justice and K. L. Arnold, Executors, et al.

On petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the Commonwealth of Kentucky, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Helen Calhoun Cash,
Petitioner,
vs.
The Metropolitan Trust Company and The People of the State of Illinois.

Appeal from the Supreme Court of the State of Illinois.

619

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

Ex parte Harry C. Kelly,
Petitioner.

ON CONSIDERATION of the application submitted hereby by Harry C. Kelly,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William Clark,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Selvie W. Wells,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein and of the return to the rule to show cause thereupon issued,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied, and that the rule to show cause be, and the same is hereby, discharged.

Per Mr. Chief Justice Stone.

Northwestern Electric Co., et al.,

Petitioners,

195 vs.

Federal Power Commission.

It is ordered that the opinion in this case is amended by striking out the sentence beginning "In a brief", at line 10, page 4, and by altering the first sentence of the succeeding paragraph, beginning with the word "Although", to read as follows: "Although, as suggested in a brief filed by the American Institute of Accountants, the Commission's prescribed method of eliminating the write-up may not accord with the best accounting practice, it is sustained by expert evidence."

Per Mr. Chief Justice Stone.

Charles M. Thomson, as Trustee of the Property of the Chicago and North Western Railway Company,

Appellant,

70 vs.

The United States of America and Interstate Commerce Commission.

ON CONSIDERATION of the motion to substitute Claude A. Roth, present trustee, as the party appellant in this case in the place and stead of Charles M. Thomson, deceased,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Stone.

Sarah Prince,

Appellant,

98 vs.

Commonwealth of Massachusetts.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including March 26 next, and mandate stayed.

Per Mr. Chief Justice Stone.

Terry Linnell Harper,

Petitioner,

568 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Herbert Otto Schuchardt,
Petitioner,
573 vs.
The People of the State of Michigan.

On petition for writ of certiorari to the Circuit Court of Midland County, State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Midland County, State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Amy Meeks,
Petitioner,
576 vs.
Roland L. Taylor, Individually and Roland L. Taylor as Trustee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America Upon the Relation and for the Use of the Tennessee Valley Authority,
Petitioner,
582 vs.
W. V. N. Powelson, Assignee and Successor in Interest of Southern States Power Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jeanette A. Noel, et al.,

Petitioners,

585 vs.

Edson B. Olds, Jr., American Security and Trust Company of Washington, D. C., Executors and Trustees, etc., et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cooperative Transit Company, Cooperative Bus Company and the Cooperative Bus Company,

Petitioner,

591 vs.

The State Road Commission of West Virginia.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of West Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Forest G. Wood,

Petitioner,

581 vs.

Alfred F. Dowd, Warden, Indiana State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Forest G. Wood,
Petitioner,
581 vs.
Alfred F. Dowd, Warden, Indiana State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rowdy K. Reaves,
Petitioner,
596 vs.
The State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Rowdy K. Reaves,
Petitioner,
596 vs.
The State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. B. Lumley,

Petitioner,

599 vs.

The State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

J. B. Lumley,

Petitioner,

599 vs.

The State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Locke,

Petitioner,

645 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Locke,

Petitioner,

645 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Shellenberg,

Petitioner,

653 vs.

C. F. Becker, Warden of the Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Thomas Shellenberg,

Petitioner,

653 vs.

C. F. Becker, Warden of the Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wayne Sprague,

Petitioner,

586 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Wayne Sprague,

Petitioner,

586 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter Evenow,

Petitioner,

612 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter Evenow,

Petitioner,

612 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Mary Tennant, Administratrix, etc.,

Petitioner,

94 vs.

Peoria and Pekin Union Railway Company,

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Oliver Hill, Administrator, etc.,

Petitioner,

4 vs.

Francis L. Hawes, Individually, etc.

Mr. Justice Douglas is of the view that a rehearing of this case should be ordered.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Fred M. Vinson, Director of
Economic Stabilization, etc.,
et al.,

Petitioners,

396 vs.

Washington Gas Light Company, et al.

Argument continued by Mr. Stoddard M. Stevens, Jr., for the respondent, Washington Gas Light Co., and concluded by Mr. Paul A. Freund for the petitioners.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, February 28, at 12 o'clock.

MONDAY, FEBRUARY 28, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Maurice S. Levy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that Herbert Hall McAdams, Jr., Esquire, of Jonesboro, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Valentine Brookes, It is ordered that Harry M. Wilson, Esquire, of Waycross, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that Franklin B. Mosbach, Esquire, of Erie, State of Pennsylvania, and Albert B. Chipman, Esquire, of Plymouth, State of Indiana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Wendell S. Holmes, Esquire, of Hutchinson, State of Kansas, and Dale W. Maxwell, Esquire, of Columbus, State of Kansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham E. Freedman, It is ordered that Samuel B. Fortenbaugh, Jr., Esquire, of Philadelphis, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard F. Harless, It is ordered that Milton Cole, Esquire, of Tucson, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Isaac E. Ferguson, It is ordered that Joseph Rosenbaum. Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Shelby S. Faulkner, It is ordered that Robert F. Cotton, Esquire, of Paris, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ashby Williams, It is ordered that Elizabeth W. Eisenhart, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Soterios Nicholson, It is ordered that L. Bryan Dabney, Esquire, of Vicksburg, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr.Lloyd C. Root, It is ordered that E. F. Vanderstucken, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Francis Anderson, It is ordered that Frederick Lewis Church, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Kratz, Jr., It is ordered that Edward R. Lewis, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. McGough, It is ordered that Donald L. Robertson, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard B. McCulloch, It is ordered that Marvin A. Mathcoat, Esquire, of Harrison, State of Arkansas, and Joseph Morrison, Esquire, of Stuttgart, State of Arkansas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron K. Wilson, It is ordered that Aaron E. Koota, Esquire, of New York, State of New York, and J. George Levy, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Pierce, It is ordered that G. R. Atkinson, Esquire, of Covington, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Garland S. Ferguson, It is ordered that Alfred C. Hirth, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leslie Craig Scholle, It is ordered that Alton T. Milam, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this

On motion first made to the Court in this behalf by Mr. Nat Tipton, It is ordered that Jas. F. Bickers, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Ross Carlton, Esquire, of Dallas, State of Texas, and Searcy L. Johnson, Esquire, of Dallas, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - - -

J. I. Case Company, Petitioner,
vs.
National Labor Relations Board.
67

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court and, as so modified, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Dissenting: Mr. Justice Roberts.

The Order of Railroad Telegraphers, Petitioner,
vs.
Railway Express Agency, Incorporated.
343

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals,

in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Dissenting: Mr. Justice Roberts.

The Hecht Company, Petitioner, vs. Chester Bowles, Price Administrator of the Office of Price Administration.

316

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Mr. Justice Frankfurter concurs in a separate opinion.

Mr. Justice Roberts is of opinion that the judgment of the Court of Appeals should be reversed and that of the District Court affirmed.

Delbert O. Stark, A. P. Stratton, A. R. Denton, G. Stebbins and F. Walsh, Petitioners, vs. Claude R. Wickard, Secretary of Agriculture of the United States, et al.

211

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be,

and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Dissenting: Mr. Justice Black.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Frankfurter.

The Goodyear Tire & Rubber Company, Inc. and General Dry Batteries, Inc., Petitioners, vs. Ray-O-Vac Company. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

262

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Illinois.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy concur.

Dissenting: Mr. Justice Jackson.

The Security Flour Mills Company, Petitioner, vs. Commissioner of Internal Revenue.

276

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Dissenting: Mr. Justice Douglas and Mr. Justice Jackson.

Anderson National Bank, Suing on Behalf of Itself and All Others Similarly Situated, Appellants, vs. J. E. Luckett, Individually and as Commissioner of Revenue of the State of Kentucky, etc., et al.

154

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

J. Howell Flournoy, Sheriff and Ex-Officio Tax Collector,

Appellant,

252 vs.

Samuel G. Wiener, William B. Wiener and Jacques L. Wiener.

Appeal from the Supreme Court of the State of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts and Mr. Justice Jackson concur.

- - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

Ex parte John Foster,

Petitioner.

——.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert L. Peyton,

Petitioner,

——, vs.

Railway Express Agency, Inc., et al.

ON CONSIDERATION of the application submitted herein by Robert L. Peyton,

IT IS ORDERED by this Court that the said application be, and

Mason B. Patten,

Petitioner,

—, vs.

J. Charles Dennis, U. S. Attorney, et al.

ON CONSIDERATION of the application submitted herein by Mason B. Patten,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Exum,

Petitioner,

—, vs.

People of the State of Illinois.

ON CONSIDERATION of the application submitted herein by John Exum,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Dioguardi,

Appellant,

—, vs.

City of New York Parks, et al.

ON CONSIDERATION of the petition for the allowance of an appeal in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

L. P. Steuart & Bro., Inc.,

Petitioner,

——, vs.

Chester Bowles, Price Administrator.

ON CONSIDERATION of the motion of petitioner to stay the mandate of the Court of Appeals for the District of Columbia and to continue the temporary restraining order in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the mandate is stayed and the temporary restraining order is continued until March 15, 1944. If on or before that date a petition for a writ of certiorari is filed in this Court in this case, it is ordered that the mandate be stayed and the temporary restraining order be continued until the final disposition of the case by this Court.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

514 vs.

James P. Mitchell; and

The United States of America,

Petitioner,

515 vs.

James P. Mitchell.

ON CONSIDERATION of the motion to enlarge the record in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator,
etc.,

Petitioner,

436 vs.

James V. Reuter, Inc.

The motion to recall the writ of certiorari in this case having been submitted and considered by the Court, further consideration of the motion is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

The United States,

Petitioner,

142 vs.

Howard C. Myers;

The United States,

Petitioner,

143 vs.

John H. Arble;

The United States,

Petitioner,

144 vs.

Charles C. Martin;

The United States,

Petitioner,

145 vs.

Walter O. Plitz; and

The United States,

Petitioner,

146 vs.

George H. Spitz.

On respondents' petition for clarification of the opinion of the Court, it is ordered that the two paragraphs beginning on page 10 of the slip opinion be amended to read as follows:

"As to Sundays and holidays, we construe the statute to require extra compensation for inspectors without regard to the hours of the day or whether such services are additional to a regular weekly tour of duty. Before Section 5 there was no authority to pay extra compensation for Sunday and holiday work. Revised Statutes, Section 2871, allowed extra pay for nighttime work only. Somewhat indirectly the Act of February 13, 1911, gave Sunday and holiday pay and the 1920 amendment made the right to that extra compensation clear by saying extra compensation shall be paid inspectors 'who may be required to remain on duty between the hours of five o'clock postmeridian and eight o'clock antemeridian, or on Sundays or holidays.' This language and the Customs Regulations, note 18, supra, give an employee who works regular hours weekdays in daytime extra pay for Sunday and holiday work. The statute covers also those who work outside the statutory normal hours. Logically, if Sundays and holidays were not to receive extra compensation, without regard to whether services on those days were overtime, there would have been no occasion to add Sundays and holidays to the overtime. Overtime would cover every situation.

"The proviso of Section 5 does not give the Collector of Customs authority to make assignments which deprive inspectors of this Sunday and holiday pay. It authorizes adjustments of hours but specifically forbids alteration of overtime pay. It is silent as to Sundays and holidays which leaves the earlier grant of extra compensation for those days in effect. Overtime pay is also applicable to Sundays and holidays when inspectors work longer than nine hours with one hour for food and rest. The rate of overtime extra compensation on Sundays and holidays is the same as the rate for week days. The administrative practice is uncertain. It does not support a contrary conclusion. The Government cites excerpts from testimony on amendatory bills, not here directly involved, which indicate the extra compensation is paid for Sundays and holidays. 22/ Findings 5 and 6 of the Court of Claims, note 17, supra, show that extra compensation was paid at times for Sunday and holiday services. 23/"

Per Mr. Chief Justice Stone.

Kenneth M. Keefe and Wallace D. Bradford,

Appellants,

634 vs.

Earl L. Clark, Drain Commissioner of Oakland County, Michigan, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

International Harvester Company,

Appellant,

620 vs.

Wisconsin Department of Taxation.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Minnesota Mining and Manufacturing Company.

Appellant,

621 vs.

Wisconsin Department of Taxation.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

662 vs.

Crescent Amusement Company, et al.;

The United States of America,

Appellant,

663 vs.

Crescent Amusement Company, et al.; and

Crescent Amusement Company, et al.,

Appellants,

664 vs.

The United States of America.

The statements of jurisdiction in these cases having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the cases on the merits.

Per Mr. Chief Justice Stone.

Carlos M. DeCastro, Order allowing certiorari.

Petitioner,

349 vs.

Board of Commissioners of San Juan.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

American Seating Company, Order allowing certiorari.

Petitioner,

613 vs.

Lucian T. Zell.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Barge "Anaconda" and Smith-Rowland Company, Inc., — Order allowing certiorari.

Petitioners,

649 vs.

American Sugar Refining Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Mario Mercado E. Hijos, — Order allowing certiorari.

Petitioner,

497 vs.

Elvira Olivieri Commins, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is assigned for argument immediately following No. 349, De Castro vs. Board of Commissioners of San Juan.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Ex parte Mario Mercado E. Hijos,

Petitioner.

——.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sea Gull Lubricants, Inc., Petitioner, vs. The United States. — On petition for writ of certiorari to The Court of Claims.

558

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United States Lines Operations, Inc., Petitioner, vs. The United States. — On petition for writ of certiorari to The Court of Claims.

579

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. Edward Davis, Petitioner, vs. The United States of America, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

590

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ben Pearson, Carl B. Haun and J. T. Haun, Doing Business as Ben Pearson Company,

Petitioners,

594 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Co-operative Transit Company,

Petitioner,

595 vs.

Hypha Dayoub.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

International Ladies' Garment Workers Union (an Unincorporated Association), David Dubinsky, etc., et al.,

Petitioners,

604 vs.

Superior Court of the State of California, in and for the City and County of San Francisco, et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles B. Van Dusen,
Petitioner,
608 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Minnie B. Van Dusen,
Petitioner,
609 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

International Typographical Union, a Voluntary Association,
Petitioner,
610 vs.
County of Macomb, Martin Drain and Branches Drain District, et al.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Columbia Cheese Co., Conestoga Cream and Cheese Mfg. Corp., East Smithfield Farms, Inc., et al.,

Petitioners,

614 vs.

Paul V. McNutt, as Federal Security Administrator of the United States.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jasper Chair Company,

Petitioner,

615 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

New Southern Ohio Gas Company and Charles Ebersbach,

Petitioner,

618 vs.

Sylvia Roush, Wilbur Roush, Eber Roush, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Grover L. Derrick, et al., Petitioners, vs. The City Council of Augusta, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

626

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charleston Transit Company, et al., Petitioners, vs. Sterling National Bank & Trust Company of New York, etc., as Trustee. — On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

627

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of West Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Evelyn Flynn, Petitioner, vs. Chester Bowles, Price Administrator. — On petition for writ of certiorari to the United States Emergency Court of Appeals.

605

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph J. Bodell, Executor,
Estate of Frederick Bodell,
Petitioner,
623 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward M. Bryan, et al.,
Petitioners,
629 vs.
A. A. Creaves.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward G. Budd Manufacturing Company,
Petitioner,
630 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Benjamin E. Cohen, et al., Petitioners,

631 vs.

Leonard A. Young, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

S. Duke, Doing Business Under the Name and Style of Roosevelt Chair & Supply Company, Petitioner,

651 vs.

Herbert A. Everest and Harry C. Jennings.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harmon Metz Waley, Petitioner,

607 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harmon Metz Waley,

Petitioner,

607 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Duncan,

Petitioner,

611 vs.

State of Iowa

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Duncan,

Petitioner,

611 vs.

State of Iowa.

On petition for writ of certiorari to the Supreme Court of the State of Iowa.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Iowa, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Marion Taylor,

Petitioner,

672 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Marion Taylor,

Petitioner,

672 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Perry Frame,

Petitioner,

677 vs.

Milton F. Amrine, Warden, Kansas State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Perry Frame,

Petitioner,

477 vs.

Milton F. Amrine, Warden, Kansas State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. Z. Lang,

Petitioner,

509 vs.

E. B. Swope, Warden, U. S. Penitentiary, Terre Haute, Indiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

E. Z. Lang,

Petitioner,

509 vs.

E. B. Swope, Warden, U. S. Penitentiary, Terre Haute, Indiana.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Woody Johnson, et al.,

Petitioners,

666 vs.

Masonic Building Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Woody Johnson, et al., Petitioners, 666 vs. Masonic Building Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Claude A. Roth, as Trustee of the Property of the Chicago and North Western Railway Company,

Appellant,

70 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The B. F. Goodrich Company,

Petitioner,

158 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The People of the State of New York ex rel. Joseph Richards, etc.,

Petitioner,

529 vs.

Robert J. Kirby, as Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

E. E. Ashcraft and John Ware,

Petitioners,

391 vs.

State of Tennessee.

Argument commenced by Mr. James F. Bickers for the petitioners; continued by Mr. Mat Tipton for the respondent; and concluded by Mr. Grover M. McCormick for the petitioners.

Augustus P. Norton, Deputy Commissioner, etc.,

Petitioner,

362 vs.

Warner Company,

Argument commenced by Mr. Assistant Attorney General Shea for the petitioner and continued by Mr. Samuel B. Fortenbaugh, Jr., for the respondent; and by Mr. Abraham E. Freedman for National Marine Engineers Beneficial Association, as amicus curiae, by special leave of Court.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, FEBRUARY 29, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Clarence D. Laylin, It is ordered that Osmer C. Ingalls, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Bernhard Thiess, It is ordered that Thorley von Holst, Esquire, of Chicago, State of Illinois, and Robert W. Poore, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Patrick A. McCarran, It is ordered that Harold Irving Baynton, Esquire, of Reno, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Earl S. Nelson, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that Elmer M. Million, Esquire, of Moscow, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Mills Meacham, It is ordered that Francis Fay Miller, Esquire, of Manchester, State of Massachusetts, and William Harry Phillips, Esquire, of Watertown, State of Tennessee, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard S. Salant, It is ordered that Edward J. Ross, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Otto C. Doering, Jr., It is ordered that James B. Donovan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Augustus P. Norton, Deputy Commissioner, etc.,

Petitioner,

362 vs.

Warner Company.

Argument concluded by Mr. Abraham E. Freedman for National Marine Engineers Beneficial Association, as amicus curiae, by special leave of Court.

International Harvester Company, et al.,

Appellants,

355 vs.

Department of Treasury of the State of Indiana, et al.

Argument commenced by Mr. Edward R. Lewis for the appellants; continued by Mr. Winslow Van Horne and Mr. John J. McShane for the appellees; and concluded by Mr. Joseph J. Daniels for the appellant.

The United States of America, et al.,

Appellants,

417 vs.

County of Allegheny, Pennsylvania.

Argument commenced by Mr. Solicitor General Fahy for the appellant, The United States, and continued by Mr. Edward G. Bothwell for the appellee.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Benjamin E. Gordon, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Preston, It is ordered that Oliver O. Clark, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence O. McKay, It is ordered that Charles M. Thomas, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert S. Erskine, It is ordered that Charles S. Bolster, Esquire, of Boston, Commonwealth of Massachusetts, and Christopher E. Heckman, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Powell, It is ordered that Paul Port, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Cotton, It is ordered that Ben Meyers, Esquire, of Chicago, State of Illinois, and Ernest Goodman, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - - - -

City of Yonkers and John W. Tooley, Jr., as President of Committee of Yonkers Commuters, etc.,

Appellants,

109 vs.

The United States of America, et al.

ON CONSIDERATION of the motion of counsel for the appellee, The New York Central Railroad Company, for a further stay of the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the mandate is stayed until March 30 next.

Per Mr. Chief Justice Stone.

- - - - - - - - - - - -

The United States of America and Mesta Machine Company,

Appellants,

417 vs.

County of Allegheny, Pennsylvania.

Argument continued by Mr. Edward G. Bothwell for the appellee; by Miss Anne X. Alpern for the Member Cities of the National Institute of Municipal Law Officers, as amici curiae, by special leave of Court; and concluded by Mr. Solicitor General Fahy for the appellant, the United States; and case submitted by Mr. Elder W. Marshall and Mr. Carl E. Glock for the appellant, Mesta Machine Company.

Crites, Incorporated,

Petitioner,

317 vs.

Prudential Insurance Company of America, et al.

Argument commenced by Mr. Isaac E. Ferguson for the petitioner; continued by Mr. Clarence D. Laylin and Mr. Osmer C. Ingalls for the respondents; and concluded by Mr. Joseph Rosenbaum for the petitioner.

Cornell Steamboat Company,

Appellant,

384 vs.

The United States of America, et al.; and

Boston Towboat Company,

Appellant,

385 vs.

The United States of America, et al.

Argument commenced by Mr. Robert S. Erskine for the appellant in No. 384.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James Martin Peterson, It is ordered that Fred M. Harris, Esquire, of Bartow, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Elston, It is ordered that James Frank Wiedemann, Esquire, of Marion, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roland Rich Woolley, It is ordered that Joseph F. Rank, Esquire, of Los Angeles, State of California, and Ralph C. Curren, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Marshall Littlepage, It is ordered that Harry Henke, Jr., Esquire, of Seattle, State of Washington; Isidore Nussbaum, Esquire, of New York, State of New York; and Warren Arthur Grauel, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Smith, Jr., It is ordered that Benjamin F. Morrison, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Cornell Steamboat Company,

Appellant,

384 vs.

The United States of America, et al.;
and

Boston Towboat Company,

Appellant,

385 vs.

The United States of America, et al.

Argument continued by Mr. Robert S. Erskine for the appellant in No. 384; by Mr. Charles S. Bolster for the appellant in No. 385; by Mr. Robert L. Pierce for the appellees, the United States and Interstate Commerce Commission; and concluded by Mr. Christopher E. Heckman for the appellee, National Water Carriers Association, Inc.

Medo Photo Supply Corporation,

Petitioner,

265 vs.

National Labor Relations Board.

Argued by Mr. William E. Friedman for the petitioner and by Miss Ruth Weyand for the respondent.

Frank Bros. Company,

Petitioner,

521 vs.

National Labor Relations Board.

Argument commenced by Mr. Benjamin E. Gordon for the petitioner.

- - - - - - - - - - -

FRIDAY, MARCH 3, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Valentine Brookes, It is ordered that J. Albert Hutchinson, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Helen Rembert Carloss, It is ordered that James E. O'Brien, Esquire, of Minneapolis, State of Minnesota, and Kimball B. DeVoy, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton I. Baldinger, It is ordered that Jerome A. Rothenberg, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Universal Oil Products Company,

Petitioner,

392 vs.

Globe Oil & Refining Company.

Three hours allowed for oral argument. Argument commenced by Mr. William D. Whitney for the petitioner; continued by Mr. Charles M. Thomas for the petitioner; by Mr. Thorley Von Holst and Mr. J. Bernhard Thiess for the respondents; and concluded by Mr. William D. Whitney for the petitioner. Leave granted respondents to file an additional brief by Friday, next.

The United States of America,

Petitioner,

472 vs.

Edna W. Ballard and Donald Ballard.

Argument commenced by Mr. Solicitor General Fahy for the petitioner and continued by Mr. Roland Rich Woolley for the respondents.

- - - - - - - - -

Proclamation being made the Court is adjourned until Monday, next, at 12

The Court met at The Supreme Court Building (Conference Room) in Special Session pursuant to a call of the Chief Justice having the approval of all the Associate Justices.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

- - - - - - - - - - -

Louis Buchalter,
Petitioner,
vs.
The Warden of Sing Sing Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

760

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this application.

- - - - - - - - - - -

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Roy W. McDonald, Esquire, of Dallas, State of Texas, and Logan Ford, Esquire, of Dallas, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John P. Davis, It is ordered that Erma R. Hallett, of Niagara Falls, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Fred W. Putnam, It is ordered that Perry R. Moore, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard P. Harless, It is ordered that Fred W. Fickett, Esquire, of Tucson, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Henry Lewin, It is ordered that Herbert L. Swett, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Louise B. Hart, It is ordered that Katherine Drew, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. William H. Hastie, It is ordered that Charles W. Quick, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

A. M. Anderson, Receiver of National Bank of Kentucky, of Louisville,

Petitioner,

vs.

Katherine Kirkpatrick Abbott, Administratrix with the Will Annexed of the Estate of David J. Abbott, Deceased, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

3

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Kentucky for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Frankfurter join.

- - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - -

Richard Vaughn, d.b.a. Vaughn's Used Cars,

Appellant,

698 vs.

The Board of Police Commissioners of the City of Los Angeles, et al.

Appeal from the District Court of Appeal of the State of California, 2nd Appellate District.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of Appeal of the State of California, 2nd Appellate District, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

John J. Casale, Inc.,

Appellant,

704 vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the District of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Delaware, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered that the motion to affirm the decree of the District Court in this cause be, and the same is hereby, granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by this Court that the decree of the District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - -

William Roy Miller,
Petitioner,
vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

119

It appearing to the Court that counsel for the respective parties have filed a stipulation to reverse the judgment of the Circuit Court of Appeals and remand the case to the District Court;

THEREFORE, pursuant to said stipulation, it is ordered and adjudged by this Court that the judgment of the Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Texas with directions that petitioner, after reasonable notice, be accorded a hearing on the issues involved before a judge other than the sentencing judge, and that at such hearing petitioner be allowed to be present and represented by counsel, with opportunity to adduce testimony and cross-examine witnesses. It is further ordered that the mandate issue forthwith.

Per Mr. Chief Justice Stone.

Ex parte Frank Roberson,
Petitioner,

---.

ON CONSIDERATION OF THE MOTION for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Patricia R. O'Brien,

Petitioner,

499 vs.

Edwin J. O'Brien, Jr., et al.

ON CONSIDERATION of the motion of Joseph B. Keenan for leave to withdraw his appearance as counsel for the petitioner in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

716 vs.

Clyde Saylor, J. Henderson Brook, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted, and the case is consolidated with No. 717 for hearing.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

717 vs.

Clarence Poer, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted, and the case is consolidated with No. 716 for hearing.

Per Mr. Chief Justice Stone.

The United States of America, Order allowing certiorari.

Petitioner,

648 vs.

D. B. Hellard.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Southern Railway Company, Order allowing certiorari.

Petitioner,

578 vs.

The United States.

The petition herein for a writ of certiorari to the Court of Claims is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Frank L. Huddleston, et al., Board of County Commissioners of Leflore County, Oklahoma, et al., etc., Order allowing certiorari.

Petitioners,

628 vs.

R. H. Dwyer, T. G. Meister, Brunette Daniels, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

James W. Butler, Mary L. Butler, Mary Sequin, et al.,

Petitioners,

636 vs.

Grace Appleton McKey.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Gordon Steadman,

Petitioner,

637 vs.

Atlantic Coast Line Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The West Laurel Hill Cemetery Company,

Petitioner,

638 vs.

W. J. Rothensies, Collector of Internal Revenue for the First District of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The West Laurel Hill Cemetery Company,

Petitioner,

639 vs.

W. J. Rothensies, Collector of Internal Revenue for the First District of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The West Laurel Hill Cemetery Company,

Petitioner,

640 vs.

W. J. Rothensies, Collector of Internal Revenue for the First District of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Aetna Life Insurance Company,

Petitioner,

641 vs.

Jeannette E. Barnett and Leon E. Stropp.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Aetna Life Insurance Company,
Petitioner,
642 vs.
Savings Investment & Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Equitable Life Assurance Society of the United States,
Petitioner,
643 vs.
Jeannette E. Barnett.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Birmingham Corporation,
Petitioner,
646 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James A. Convey,
Petitioner,
650. vs.
The Omaha National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cleo Syrup Corporation,
Petitioner,
652 vs.
The Coca-Cola Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Radcliff Gravel Company, Inc., and American Mutual Life Insurance Company,
Petitioners,
655 vs.
Joseph W. Henderson, as Deputy Commissioner, United States Employees Compensation Commission for the Seventh Compensation District, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Radcliff Gravel Company, Inc., and American Mutual Liability Insurance Company,

Petitioner,

656 vs.

Joseph W. Henderson, as Deputy Commissioner, United States Employees Compensation Commission for the Seventh Compensation District, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

De Fremery & Co.,

Petitioner,

659 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Customs and Patent Appeals, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bernard O. Mattson,

Petitioner,

665 vs.

Amusement Corporation of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William F. Esenwein, Petitioner,
668 vs.
Commonwealth, ex rel. May H. Esenwein.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert North, Petitioner,
633 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Dewey Wallace McMurtry, Petitioner,
597 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Dewey Wallace McMurtry,
Petitioner,
597 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Broadus B. Booth,
Petitioner,
647 vs.
State Farm Mutual Automobile Insurance Company,

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Broadus B. Booth,
Petitioner,
647 vs.
State Farm Mutual Automobile Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Garfield J. Kelly,

Petitioner,

667 vs.

Alfred F. Dowd, Warden, Indiana State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Garfield J. Kelly,

Petitioner,

667 vs.

Alfred F. Dowd, Warden, Indiana State Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Black.

Garfield J. Kelly,

Petitioner,

676 vs.

Alfred F. Dowd, Warden, Indiana State Prison,

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Garfield J. Kelly,

Petitioner,

676 vs.

Alfred P. Dowd, Warden, Indiana State Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Lynch,

Petitioner,

625 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Lynch,

Petitioner,

625 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

John Ferguson,

Petitioner,

714 vs.

Commonwealth of Massachusetts.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Ferguson,

Petitioner,

714 vs.

Commonwealth of Massachusetts.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

State of Colorado,

Complainant;

5, Original vs.

State of Kansas, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Georgia M. Spruill,

Petitioner,

475 vs.

William T. Ballard.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pen-Ken Gas & Oil Corporation,

Petitioner,

517 vs.

Warfield Natural Gas Company,

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Simon L. Levy and Charles B. Levy,

Petitioners,

572 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Bernard Wernecke,

Petitioner,

584 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Richard A. Knight,

Petitioner,

462 vs.

The Bar Association of the City of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied and the petition is ordered stricken from the files as scandalous.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

O R D E R

The Court will take a recess from Monday, March 13, until Monday, March 27, next.

- - - - - - - - - - -

Bain Peanut Company of Texas,

Petitioner,

91 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

It appearing to the Court that counsel for the petitioner have filed a motion to dismiss the writ of certiorari in this case,

Therefore, pursuant to said motion, it is ordered by this Court that the writ of certiorari in this case be, and the same is hereby, dismissed; and that this case be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The United States of America,

Petitioner,

472 vs.

Edna W. Ballard and Donald Ballard.

Argument continued by Mr. Roland Rich Woolley and by Mr. Joseph P. Rank for the respondents and concluded by Mr. Solicitor General Fahy for the petitioner.

The United States of America,

Petitioner,

366 vs.

Jasper White.

Argued by Mr. Assistant Attorney General Tom C. Clark for the petitioner and by Mr. Robert J. Fitzsimmons for the respondent.

Lee Arenas,

Petitioner,

463 vs.

The United States of America.

Argument commenced by Mr. John W. Preston for the petitioner and continued by Mr. Oliver O. Clark for the petitioner.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MARCH 7, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel T. Ansell, It is ordered that Robert C. M. Winter, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel T. Ansell, It is ordered that Edward T. Kelley, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward P. Clark, It is ordered that John A. Shorten, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank B. Gummey, II, It is ordered that Louis M. Brown, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. Carlisle Parber, It is ordered that Harry Albert Thornton, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren G. Magnuson, It is ordered that Clarence Joseph Coleman, Esquire, of Everett, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

State of Illinois,

Complainant,

11, Original vs.

State of Indiana, City of Hammond,
City of East Chicago, City of Gary,
and City of Whiting.

It is ordered that Luther Ely Smith, Esquire, of Saint Louis, Missouri, be, and he is hereby, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the Master shall be subject to consideration, revision, or approval by the Court. The Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct. If the appointment herein made of a Master is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

Per Mr. Chief Justice Stone.

Bessie P. Douglas,

Petitioner,

130 vs.

Commissioner of Internal Revenue;

Bessie P. Douglas,

Petitioner,

131 vs.

Commissioner of Internal Revenue;

Estate of Charles H. Robinson, et al.,

Petitioners,

132 vs.

Commissioner of Internal Revenue; and

Bernice B. Dalrymple,

Petitioner,

133 vs.

Commissioner of Internal Revenue.

Motion of P. G. Davidson, Jr., Theodore L. Harrison, J. Donald Rawlings, and W. A. Sutherland for leave to file brief as amici curiae presented.

- - - - - - - - - - -

Lee Arenas,

Petitioner,

463 vs.

The United States of America.

Argument continued by Mr. Norman MacDonald for the respondent and concluded by Mr. Oliver O. Clark for the petitioner.

Bessie P. Douglas,

Petitioner,

130 vs.

Commissioner of Internal Revenue;

Bessie P. Douglas,

Petitioner,

131 vs.

Commissioner of Internal Revenue;

Estate of Charles H. Robinson, et al.,

Petitioners,

132 vs.

Commissioner of Internal Revenue; and

Bernice B. Dalrymple,

Petitioner,

133 vs.

Commissioner of Internal Revenue.

Argued by Mr. Kimball B. DeVoy for the petitioners and by Miss Helen R. Carloss for the respondent.

Clifford F. MacEvoy Company, et al.,

Petitioners,

483 vs.

The United States of America, for the use and benefit of the Calvin Tomkins Company.

Argued by Mr. Edward F. Clark for the petitioner and by Mr. Benjamin P. DeWitt for the respondent.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. Roland Kinzer, It is ordered that Hugh D. Scott, Jr., Esquire, of Philadelphia, State of Pennsylvania, and Horace M. Barba, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Murray, It is ordered that Kurt Borchardt, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

The United States of America, et al.,
Appellants,
453 vs.
Wabash Railroad Company, et al.

Argued by Mr. Allen Crenshaw for the appellants; by Mr. Elmer A. Smith for the appellees, Wabash Railroad Company, et al; and by Mr. John S. Burchmore for appellee, A. E. Staley Manufacturing Company.

Chicago, Saint Paul, Minneapolis &
Omaha Railway Company, et al.,

Appellants,

482 vs.

The United States of America, et al.

Argued by Mr. Amos M. Mathews for the appellants; by Mr. Nelson Thomas for the appellees, the United States and Interstate Commerce Commission; by Mr. Perry R. Moore for the appellee, Cornelius W. Styer; and by Mr. Fred W. Putnam for the appellee, Glendenning Motorways, Inc.

The Equitable Life Assurance Society
of the United States,

Petitioner,

492 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. John L. Grant for the petitioner and continued by Mr. Chester T. Lane for the respondent.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, MARCH 9, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that Frances Green Ratcliff, of Washington, District of Columbia, and Roger Ratcliff, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that Joseph F. Padlow, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

The Equitable Life Assurance Society of the United States,

Petitioner,

492 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. Chester T. Lane for the respondent and concluded by Mr. John T. Grant for the petitioner.

Anthony Cramer,

Petitioner,

406 vs.

The United States of America.

Three hours allowed for oral argument. Argued by Mr. Harold R. Medina for the petitioner and by Mr. Solicitor General Fahy for the respondent.

Hans Pete Mortensen and Lorraine Mortensen,

Petitioners,

559 vs.

The United States of America.

Argument commenced by Mr. Eugene D. O'Sullivan for the petitioners.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, MARCH 10, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Paul F. Mickey, It is ordered that Whiteford S. Blakeney, Esquire, of Charlotte, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Gerard Hartzog, It is ordered that William Gordon Belser, Jr., Esquire, of Columbia, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Hans Pete Mortensen and Lorraine Mortensen,

Petitioners,

559 vs.

The United States of America.

Argument continued by Mr. Eugene D. O'Sullivan for the petitioners and concluded by Mr. Robert L. Stern for the respondent.

Wisconsin Gas and Electric Company,

Petitioner,

565 vs.

The United States of America.

Argued by Mr. Van B. Wake for the petitioner and by Mr. Assistant Attorney General Samuel O. Clark, Jr. for the respondent.

L. Metcalfe Walling, Administrator, etc.,

Petitioner,

436 vs.

James V. Reuter, Inc.

Argued by Mr. Douglas B. Maggs for the petitioner and by Mr. Frank S. Normann for the respondent, James V. Reuter Co., Inc., prior to dissolution.

Proclamation being made the Court is adjourned until Monday, March 13, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. Bayard Clark, It is ordered that George S. Steele, Esquire, of Rockingham, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. Korkam, It is ordered that Gath P. Freeman, Esquire, of Richmond, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Edwin Robert Eckersall, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Coughlan, Jr., It is ordered that Paul Berman, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Wattawa, It is ordered that William Allen Quinlan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas B. Maggs, It is ordered that Jerome N. Wanshel, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy C. Hackley, Jr., It is ordered that Jack E. Hursh, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Spurgeon Avakian, Esquire, of Fresno, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Walter B. Johnson, T. R. Husted, B. A. West, et al.,

Petitioners,

447 vs.

Yellow Cab Transit Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Oklahoma.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts joins.

- - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - -

City of Coral Gables, Florida,
Petitioner,
vs.
Ed. C. Wright, Doing Business as Ed. C. Wright & Company, Successor to Ed. C. Wright & Company, Inc., and American National Bank of Nashville, Tennessee.

388

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs by an equally divided Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Kohlmeyer, Newberger & Company, Woodfin & Company, Cohen, Wachsman and Wassall, et al.,
Appellants,
vs.
W. A. Cooper, Collector of Revenue.

710

Appeal from the Supreme Court of the State of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

People of the State of Illinois
ex rel. Bennie Truitt,

Petitioner,

—, vs.

Walter Miersheimer, Warden.

ON CONSIDERATION of the application submitted herein by Bennie Truitt,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Daisy D. Wilson,

Petitioner,

—, vs.

Ralph D. Hinman, et al.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Stephen Mitchell,

Petitioner,

—.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Erhardt Elowson,

Petitioner,

——.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bessie P. Douglas,

Petitioner,

130 vs.

Commissioner of Internal Revenue;

Bessie P. Douglas,

Petitioner,

131 vs.

Commissioner of Internal Revenue,

Estate of Charles H. Robinson, et al.,

Petitioners,

132 vs.

Commissioner of Internal Revenue; and

Bernice B. Dalrymple,

Petitioner,

133 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion for leave to file brief of P. G. Davidson, Jr., Theodore L. Harrison, J. Donald Rawlings, and W. A. Sutherland, as amici curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The Fraternal Order of Police, a Corporation not for Profit, Organized and Existing Under the Laws of the State of Michigan, et al.,

Petitioners,

669 vs.

D. D. Harris, Elmer Hammond, Lawrence Drolett, et al.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Addison Miller, et al., Partners, Doing Business as Addison Miller Company, et al.,

Petitioners,

670 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John T. Dempsey, as Administrator of the Estate of Gabriel De Fontarce,

Petitioner,

675 vs.

Guaranty Trust Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Miles National Farm Loan Association,

Petitioner,

686 vs.

The Federal Land Bank of Houston.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Taylor Instrument Companies,

Petitioner,

689 vs.

Fawley-Brost Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

693 vs.

L. Wiemann Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Western Cartridge Company, Winchester Repeating Arms Company Division,

Petitioner,

657 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Vancouver Book & Stationery Co., Inc.,

Petitioner,

660 vs.

L. C. Smith & Corona Typewriters, Inc., J. K. Gill Co., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Hughes & Company, Inc.,

Petitioner,

683 vs.

Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

Adolph T. Spalek and William J. Zrenchik,

Petitioners,

588 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Claud Nivens,

Petitioner,

606 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Claud Nivens,

Petitioner,

606 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond W. Nichols,

Petitioner,

703 vs.

The United States Circuit Court
of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Raymond W. Nichols,

Petitioner,

703 vs.

The United States Circuit Court
of Appeals for the Seventh Circuit.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roy S. Ransin,

Petitioner,

739 vs.

Walter Miersheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Roy S. Ransin,

Petitioner,

739 vs.

Walter Nierstheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cameron Moore,

Petitioner,

713 vs.

The People of the State of Michigan.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Cameron Moore,

Petitioner,

713 vs.

The People of the State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied, for the reason that it does not appear from the record that application therefor was made within the time provided by law.

Per Mr. Chief Justice Stone.

Ex parte Selvie W. Wells,

Petitioner,

---.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

R. Simpson & Co., Inc.,

Petitioner,

1 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph E. Snowden,

Petitioner,

57 vs.

Edward J. Hughes, Louie E. Lewis, et al., etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eddie J. Viator, J. A. Viator, et al.,

Appellants,

457 vs.

R. C. Edwins, Sheriff, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. Z. Lang,

Petitioner,

509 vs.

E. B. Swope, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Helen Calhoun Cash,

Appellant,

619 vs.

The Metropolitan Trust Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harmon Metz Waley,

Petitioner,

607 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the application for an extension of time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, granted, and the time is extended to and including April 3, 1944.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, March 27, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Owen J. Roberts,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Harold A. Boire, Esquire, of De Land, State of Florida; George H. Hunker, Jr., Esquire, of Santa Fe, State of New Mexico; Marvin J. Sonosky, Esquire, of Duluth, State of Minnesota; and Ralph R. Gilby, Esquire, of Spokane, State of Washington, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. O'Mahoney, It is ordered that Charles S. Murphy, Esquire, of Durham, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. August H. Andresen, It is ordered that Harry E. Olsen, Esquire, of Wayzata, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Tolan, It is ordered that Jesse G. Benson, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edmund M. Brady, It is ordered that Harry D. Fenske, Esquire, of Dearborn, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence E. Dawson, It is ordered that Morris Hadley, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Francis Kneip, It is ordered that Willis Pirtle Watts, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. John Rogge, It is ordered that Karl M. Gibbon, Esquire, of Harlingen, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Cragun, It is ordered that Calvin L. Rampton, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Lebowitz, It is ordered that Gordon F. Hook, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that Sidney Kocin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis E. Walter, It is ordered that Nathan L. Reibman, Esquire, of Easton, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lambert McAllister, It is ordered that Howell Purdue, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank McGuire, It is ordered that J. Frank O'Brien, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

J. M. Sartor, et al., Petitioners, vs. Arkansas Natural Gas Corporation. 232

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Louisiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Reed joins.

The United States of America, Petitioner, vs. Seattle-First National Bank, a National Banking Association. 267

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals,

in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Washington.

Per Mr. Justice Murphy.

Tennessee Coal, Iron & Railroad Company, Sloss-Sheffield Steel & Iron Company and Republic Steel Corporation,

Petitioners,

409 vs.

Muscoda Local No. 123, etc., et al.

On writ of certiorari to the United Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Alabama.

Per Mr. Justice Murphy.

Concurring opinion by Mr. Justice Jackson.
Concurring opinion by Mr. Justice Frankfurter.
Dissenting opinion by Mr. Justice Roberts in which the Chief Justice joins.

Chester Bowles, as Administrator of the Office of Price Administration,

Appellant,

464 vs.

Mrs. Kate C. Willingham and J. R. Hicks, Jr.

Appeal from the District Court of the United States for the Middle District of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Middle District of Georgia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Arthur Goodwyn Billings,
Petitioner,
215 vs.
Karl Truesdell, Major General, United States Army.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Kansas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts.
Separate concurring opinion by Mr. Justice Frankfurter.

The Equitable Life Assurance Society of the United States,
Petitioner,
492 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Douglas.

Augustus P. Norton, Deputy Commissioner for the Third Compensation District,

Petitioner,

362 vs.

Warner Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Douglas.

Mr. Justice Roberts concurs in the result.

Lester Follett,

Appellant,

486 vs.

Town of McCormick, South Carolina.

Appeal from the Supreme Court of the State of South Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of South Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Douglas.

Concurring opinion by Mr. Justice Murphy.
Concurring opinion by Mr. Justice Reed.
Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Frankfurter and Mr. Justice Jackson join.

Fred M. Vinson, Director of Economic Stabilization, etc., et al.,

Petitioners,

396 vs.

Washington Gas Light Company and Public Utilities Commission of the District of Columbia.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy concur.

The United States of America and Interstate Commerce Commission,

Appellants,

453 vs.

Wabash Railroad Company, Illinois Central Railroad Company and Illinois Terminal Railroad Company.

Appeal from the District Court of the United States for the Southern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Albert Yakus,

Petitioner,

374 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

Dissenting opinion by Mr. Justice Roberts.

Benjamin Rottenberg and B. Rottenberg, Inc.,

Petitioners,

375 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Chief Justice Stone.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

Dissenting opinion by Mr. Justice Roberts.

- - - - - - - - - - -

Mr. Justice Roberts said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

Ex parte Jesse T. Sylence,

Petitioner,

---.

ON CONSIDERATION of the application submitted herein by Jesse T. Sylence,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Dennis W. Rosier,

Petitioner,

---.

ON CONSIDERATION of the application submitted herein by Dennis W. Rosier,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte James Goode,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Richard O'Neill,

Petitioner,

——.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Louis Berman,

Petitioner,

——.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Franklin Johnson,

Petitioner,

——, vs.

W. Hierstheimer, Warden,

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

United States, ex rel. Nathaniel Hill,

Petitioner,

——, vs.

Joseph E. Ragen, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

H. W. Kelley, et al.,

Petitioners,

935 O.T. 1942 vs.

Everglades Drainage District.

ON CONSIDERATION of the motion to correct or amend the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby denied without prejudice to any other appropriate remedy.

Per Mr. Chief Justice Stone.

R. J. Thomas,

Appellant,

569 vs.

H. W. Collins, Sheriff of Travis County, Texas.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

Claridge Apartments Company, Order allowing certiorari.

Petitioner,

701 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Claridge Apartments Company, Petitioner,

702 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Victor J. Herb, Petitioner,

681 vs.

Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers for Wabash Railway Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted, and the case is consolidated with No. 682 for argument.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Benjamin F. Belcher, Petitioner,

682 vs.

Louisville & Nashville Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted, and the case is consolidated with No. 681 for argument.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

699 vs.

Helmerich & Payne, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted, limited to the first question presented by the petition and the case is transferred to the summary docket. Counsel are requested to discuss in their briefs and on oral argument the question whether the case is moot.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Fred Toyosaburo Korematsu,

Petitioner,

679 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Fred Toyosaburo Korematsu,

Petitioner,

679 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Fred Toyosaburo Korematsu,

Petitioner,

679 vs.

The United States of America.

The Court directs that the expense of printing the record in this case be paid by the United States pursuant to 28 U. S. C. sec. 832.

Per Mr. Chief Justice Stone.

Wells Fargo Bank & Union Trust Co., Substituted as Executor of the Last Will of Mary E. Morris, Deceased, et al.,

Petitioners,

310 vs.

Imperial Irrigation District, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gilbert Lorenz Godbersen,

Petitioner,

525 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edith F. Perley,
Petitioner,
661 vs.
Frank W. Roberts, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,
Petitioner,
685 vs.
Max Harry Block, an Individual, Doing Business Under the Firm Name and Style of Block's Shoe Stores.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Max Kaplan and Jacob Kaplan, Co-partners, Doing Business Under the Firm Name and Style of Kaplan Bros.,
Petitioners,
690 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Pennsylvania Company for Insurance on Lives and Granting Annuities, Trustee, etc., Petitioner,

691 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Pennsylvania Company for Insurance on Lives and Granting Annuities, Trustee, etc., Petitioner,

692 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William A. Doss, Petitioner,

696 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Claude A. Roth, Trustee, Chicago and North Western Railway Company,

Petitioner,

697 vs.

Lillian Carlson, as Administrator, etc., of the Estate of Charles A. Anderson, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Norman G. Baker,

Petitioner,

700 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Piedmont Fire Insurance Company,

Petitioner,

705 vs.

Harry J. Aaron, Mrs. D. E. Roles, Mrs. Walter Rooks, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John W. Gaines, Guardian of the Estate of Claude B. Gaines,

Petitioner,

707 vs.

Sun Life Assurance Company of Canada.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Surety Corporation,

Petitioner,

718 vs.

Provident Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James O. Hartman,

Petitioner,

720 vs.

Willie Ross.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert W. Iselin and Louise G. Iselin,

Petitioners,

738 vs.

Arnaud Lacoste.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cape Ann Granite Company, Inc.,

Petitioner,

624 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Irving McMullen,

Petitioner,

671 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Willard Irwin Singer and Martin H. Singer,

Petitioners,

708 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Patrick Henry Kelley,

Petitioner,

712 vs.

American Sugar Refining Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Dixie Margarine Company,

Petitioner,

715 vs.

A. H. Shaefer, Formerly Deputy Collector of Internal Revenue for the District of Tennessee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eugene Russell Jaffe, Alias E. J. Russell, an Individual Doing Business as Sterling Sale Company and Craftsman Sales Company,

Petitioner,

719 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clyde H. Walker,

Petitioner,

724 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Northwestern Oil Company,

Petitioner,

725 vs.

Socony-Vacuum Oil Company, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur G. Vescelius, Trustee in Bankruptcy of River Edge Estates, Inc.,

Petitioner,

727 vs.

Abraham A. Wedeen, Assignee for the Benefit of Creditors of Jamaica Concrete Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph B. Decker,

Petitioner,

729 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Arky, Formerly Doing Business as Lawrence Electric Construction Co., Bankrupt,

Petitioner,

752 vs.

Louis P. Rosenberg, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City of Los Angeles and Department of Water and Power of the City of Los Angeles,

Petitioners,

723 vs.

Natural Soda Products Company.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

City of Los Angeles and Department of Water and Power of the City of Los Angeles,

Petitioners,

723 vs.

Natural Soda Products Company.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

State of Missouri, Upon the Information of Roy McKittrick, Attorney General of the State of Missouri, etc.,

Petitioner,

632 vs.

Missouri Public Service Corporation.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

In the Matter of Sam Catanzaro, Jr., Petitioner, 709 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Sylvester Vierick, Petitioner, 695 vs. The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Sylvester Vierick, Petitioner, 695 vs. The United States of America. — On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter H. McGee,

Petitioner,

706 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary, Jefferson City, Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter H. McGee,

Petitioner,

706 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary, Jefferson City, Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Elmer Whited,

Petitioner,

761 vs.

Warden, Illinois State Penitentiary, Menard Branch.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Elmer Whited,

Petitioner,

761 vs.

Warden, Illinois State Penitentiary, Menard Branch.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Mitchell,

Petitioner,

561 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Mitchell,

Petitioner,

561 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry E. Terrell,

Petitioner,

617 vs.

Dr. M. J. Pescor, Warden, U. S. Medical Center for Federal Prisoners, Springfield, Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry E. Terrell,

Petitioner,

617 vs.

Dr. M. J. Pescor, Warden, U. S. Medical Center for Federal Prisoners, Springfield, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Vincent J. Cullotta,

Petitioner,

782 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Vincent J. Cullotta,
Petitioner,
782 vs.
Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Sarah Prince,
Appellant,
98 vs.
Commonwealth of Massachusetts.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Evelyn Flynn,
Petitioner,
605 vs.
Chester Bowles, Price Administrator.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. Howell Flournoy, Sheriff and
ex-officio Tax Collector,

Appellant,

252 vs.

Samuel G. Wiener, William B.
Wiener, and Jacques L. Wiener.

IT IS ORDERED that the opinion in this case be amended by adding, at the end of the opinion, the following paragraph:

"Appellant having assigned as error the decision of the Louisiana Supreme Court holding the Federal Act invalid, the case is properly an appeal, and appellant could have included in his assignments of error any other denial of federal right whether or not capable in itself of being brought here by appeal. Prudential Insurance Co. v. Cheek, 259 U. S. 530, 547. Or he could have filed a petition for writ of certiorari in addition to his appeal. Columbus & Greenville Ry. Co. v. Miller, 283 U. S. 93, 98. But since he failed to raise or brief in this Court any question as to the validity of the Louisiana statute under the Fourteenth Amendment, we have no jurisdiction of the case either on certiorari or on appeal, and there is no occasion for the application of Judicial Code, sec. 237 (c), 28 U. S. C. sec 344 (c). See Robertson and Kirkham, Jurisdiction of the Supreme Court of the United States, page 40, and cases cited."

Per Mr. Chief Justice Stone.

J. Howell Flournoy, Sheriff and
ex-officio Tax Collector,

Appellant,

252 vs.

Samuel G. Wiener, William B. Wiener
and Jacques L. Wiener.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - — - - - — - -

O R D E R

The Court will take a recess from Monday, April 3, until Monday April 10, and from that day until Monday, April 24, next.

- - - - - - - - - - -

Franks Bros. Company,

Petitioner,

521 vs.

National Labor Relations Board.

Argued by Mr. Benjamin H. Gordon for the petitioner and by Mr. Alvin J. Rockwell for the respondent.

The United States of America,

Petitioner,

514 vs.

James P. Mitchell; and

The United States of America,

Petitioner,

515 vs.

James P. Mitchell.

Argued by Mr. Solicitor General Fahy for the petitioner a by Mr. James J. Laughlin for the respondent.

The United States of America,

Petitioner,

381 vs.

American Surety Company.

Argument commenced by Mr. Robert L. Stern for the petitio and continued by Mr. Homer Cummings for the respondent.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'cl

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John Jennings, Jr., It is ordered that Robt. N. Polk, Esquire, of Franklin, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Murray Seasongood, It is ordered that Hugh McD. Ritchey, Esquire, of Cincinnati, State of Ohio, and Frank R. Bruce, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel A. Reed, It is ordered that Leslie M. Rapp, Esquire, of Arlington, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court. and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Newes, It is ordered that Chauncey B. Garver, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that Andrew G. Ponder, Esquire, of Walnut Ridge, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard L. Merrick, It is ordered that Louis B. Arnold, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Robinson, It is ordered that Robert Benton Burns, Esquire, of Los Angeles, State of California; Ivan Robinette, Esquire, of Phoenix, State of Arizona; Arthur S. Lorch, Esquire, of Philadelphia, State of Pennsylvania; Bruce M. Docherty, Esquire, of Providence, State of Rhode Island; George Gardner Beckett, Esquire, of Boston, State of Massachusetts; and Howard A. Twitty, Esquire, of Phoenix, State of Arizona, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Leflar, It is ordered that E. Nobles Lowe, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Rowan, Jr., It is ordered that Milton M. Burke, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert S. Keebler, It is ordered that Arnold M. Hirsch, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward S. Shattuck, It is ordered that Philip White, Esquire, of Cheyenne, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Smith, Jr., It is ordered that William J. Cerny, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. Carlisle Parber, It is ordered that James M. Stewart, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Marcelle R. Schultz, It is ordered that Bernard A. Stol, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Marion C. Toomey, It is ordered that Rudolph Halley, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

The United States of America,

Petitioner,

381 vs.

American Surety Company.

Argument concluded by Mr. Homer Cummings for the respondent.

The United States of America, et al.,

Appellants,

589 vs.

Marshall Transport Company, et al.

Argued by Mr. Daniel H. Kunkel for appellants, The United States and Interstate Commerce Commission; by Mr. Charles E. Cotterill for appellants, Coastal Tank Lines, Inc., et al.; and Mr. Robert C. Winter for the appellees.

Allen Calculators, Inc.,

Appellant,

592 vs.

The National Cash Register Company and The United States of America.

Argued by Mr. Murray Seasongood for the appellant and by Mr. Hugh McD. Ritchey for the appellee, National Cash Register Co.; and case submitted by Mr. Solicitor General Fahy, Mr. Assistant Attorney General Berge, Mr. Charles H. Weston, Mr. Elliott H. Moyer, and Mr. Robert L. Stern for appellee, The United States.

Southern Railway Company,

Petitioner,

578 vs.

The United States.

Argument commenced by Mr. Sidney S. Alderman for the petitioner.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Owen P. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry N. Longley. It is ordered that John W. R. Zisgen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Allen Conley Mathias, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Victor A. Sachse, It is ordered that Clarence L. Yancey, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas L. Mead, Jr., It is ordered that James R. McKnight, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. Carlisle Parber, It is ordered that George C. Heath, Esquire, of Waterloo, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court,

On motion first made to the Court in this behalf by Mr. Edgar J. Goodrich, It is ordered that Harry M. Reed, Esquire, of Waterloo, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis C. Boswell, It is ordered that Albert Brick, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Shelby Fitze, It is ordered that Henry Klepak, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that George A. Lazar, Jr., Esquire, of San Diego, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Neville Miller, It is ordered that W. Palmer Van Arsdale, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Colonel C. Sawyer, It is ordered that Mortimer L. Clopton, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Goldberg, It is ordered that Harry M. Drostoff, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Roger S. Foster, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Southern Railway Company,

Petitioner,

578 vs.

The United States.

Argument continued by Mr. Sidney S. Alderman for the petitioner and concluded by Mr. Assistant Attorney General Shea for the respondent.

Barge "Anaconda" and Smith-Rowland Company, Inc.,

Petitioners,

649 vs.

American Sugar Refining Company.

Argued by Mr. Cody Fowler for the petitioners and by Mr. Henry N. Longley for the respondent.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, April 3 next, at 12 o'clock.

MONDAY, APRIL 3, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Howard L. Campbell, Esquire, of Manistee, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Errett P. Scrivner, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Leo H. Miller, Esquire, of Hagerstown, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Josh Lee, It is ordered that R. B. Yadon, Jr., Esquire, of Woodward, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Lavender, It is ordered that W. Bruce Beckley, Esquire, of San Francisco,

On motion first made to the Court in this behalf by Mr. Stephen M. Farrand, It is ordered that Martin Tollefson, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Granville Curry, It is ordered that Louis H. Shereff, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Lillard, It is ordered that Walter LeRoy Green, Esquire, of Hyattsville, State of Maryland; George Bowie McCeney, Esquire, of Laurel, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Lillard, It is ordered that John Franklin Lillard, Jr., Esquire, of Hyattsville, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sidney J. Kaplan, It is ordered that Hyman Edelman, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Helen Rembert Carloss, It is ordered that Nora O. Rentz, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that Henrietta Kriger, of Brooklyn, State of New York, and Charles H. Kriger, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence C. Osborn, It is ordered that Lamoin Oldham, of Longview, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Bolford Vance Lawson, Jr., It is ordered that Lucia T. Thomas, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court. and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Douglas B. Maggs, It is ordered that Samuel G. Winstead, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court. and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Wiener, It is ordered that Edward I. Weisberg, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Jay H. Sikkenga, Esquire, of Shelby, State of Michigan, and John G. Thompson, Esquire, of Miami, State of Florida, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roberts Browning Larson, It is ordered that Armand E. Lackenbach, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Attorney General Francis Biddle. It is ordered that Lewis M. Stevens, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Lonnie E. Smith,

Petitioner,

51 vs.

S. E. Allwright, Election Judge, and James E. Liuzza, Associate Election Judge, 48th Precinct of Harris County, Texas.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Texas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Frankfurter concurs in the result.
Dissenting opinion by Mr. Justice Roberts.

Boston Towboat Company,

Appellant,

385 vs.

The United States of America, Interstate Commerce Commission, and National Water Carriers Association, Inc.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed.

Per Mr. Justice Black.

Cornell Steamboat Company,
Appellant,
384 vs.
The United States of America, Interstate Commerce Commission, and National Water Carriers Association, Inc.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Opinion by Mr. Justice Frankfurter dissenting in part in which Mr. Justice Roberts joins.

- - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - -

The Hudson & Manhattan Railroad Company,
Appellant,
766 vs.
The City of Jersey City, Fred M. Vinson, Stabilization Director by Chester Bowles, Price Administrator.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED and adjudged that the appeal herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Abraham S. Ratner, Appellant, vs. The People of the State of California.	Appeal from the Superior Court of the County of Los Angeles, Appellate Department, State of California.

794

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the County of Los Angeles, Appellate Department, State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

Ex parte Walter D. Stewart,
Petitioner,

——.

ON CONSIDERATION of the application submitted herein by Walter D. Stewart,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Edward E. P. Boyens,
Petitioner,

——

ON CONSIDERATION of the application submitted herein by Edward E. P. Boyens,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mary B. Betz (for herself and in behalf of John Philip Betz, 3rd),

Petitioner,

——, vs.

The Government of the United States.

ON CONSIDERATION of the petition submitted herein by Mary B. Betz,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alfred Minntole,

Petitioner,

—— vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James M. Smith,

Petitioner,

—— vs.

Francis Biddle, Attorney General, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Western Cartridge Company, etc.,

Petitioner,

657 vs.

National Labor Relations Board.

ON CONSIDERATION of the motion of counsel for the petitioner to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including April 21, next.

Per Mr. Chief Justice Stone.

The Interstate Commerce Commission and Hudson & Manhattan Railroad Company,

Appellants,

767 vs.

The City of Jersey City, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Gath P. Freeman, Trustee, etc.,

Appellant,

788 vs.

Gilbert K. Hewit, Director of Gross Income Tax Division, Department of Treasury, State of Indiana.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

James Karl Muschany and Vera Muschany,

Petitioners,

711 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

William N. Andrews and Bertha L. Andrews,

Petitioners,

726 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue,

Petitioner,

741 vs.

C. C. Harmon.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone

Carolene Products Company, Charles Hauser and William H. Hartke,

Petitioners,

674 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, limited to the first four questions presented by the petition.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

E. Jack Smith, et al., Partners Under the Firm Name of E. Jack Smith, Contractor,

Petitioners,

680 vs.

Comer Davis, et al., as Board of County Tax Assessors of Fulton County, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Georgia is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Allen Pope,

Petitioner,

684 vs.

The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted. Counsel are requested to discuss in their briefs and on oral argument the question whether the present action, authorized by the Special Act of February 27, 1942 (56 Stat. 1122), is of a nature to admit

of review by this Court under Article III of the Constitution.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

L. P. Steuart & Bro., Inc., Petitioner,

793 vs.

Chester Bowles, Administrator, Office of Price Administration, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted, and the case is assigned for argument on Monday, May 1st, next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Board of County Commissioners of Pawnee County, State of Oklahoma, et al., Petitioners,

721 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Board of County Commissioners of Pawnee County, State of Oklahoma, et al., Petitioners,

722 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ferdinand A. Kertess, Petitioner,

730 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ferdinand A. Kertess, Petitioner,

731 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ferdinand A. Kertess, Petitioner,
732 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ferdinand A. Kertess, Petitioner,
733 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the second circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Baltimore Transit Company and The Baltimore Coach Company, Petitioners,
735 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Atlantic Coastline Railroad Company,

Petitioner,

737 vs.

Sidney Blumenthal & Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

M. P. Depaoli and Lena Depaoli, His Wife,

Petitioners,

743 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rudolph Spitzer, et al.,

Petitioners,

746 vs.

Standard Gas and Electric Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Christine Wilson and Margaret Joyner,

Petitioners,

747 vs.

Beatrice Fuhrhop, Gertrude Austin, William S. Wilson, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Stroud,

Petitioner,

678 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert Stroud,

Petitioner,

678 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit and of the argument of counsel thereupon had, it is now here ordered by the Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth J. Nelson,

Petitioner,

744 vs.

Bert C. Webb, Superintendent of Washington State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Kenneth J. Nelson,

Petitioner,

744 vs.

Bert C. Webb, Superintendent of Washington State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

A. M. Anderson, Receiver, etc.,

Petitioner,

3 vs.

Katherine Kirkpatrick Abbott, Administratrix, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Claud Nivens,

Petitioner,

606 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harmon Metz Waley,

Petitioner,

607 vs.

James A. Johnston, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Lynch,

Petitioner,

625 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cameron Moore,

Petitioner,

713 vs.

The People of the State of Michigan.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, April 10, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Allen W. Gullion, It is ordered that Sherry Basil Myers, Esquire, of Canandaigua, State of New York, and Harolde Turner Loftin, Esquire, of Houston, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss Elizabeth F. Reed, It is ordered that Elizabeth Scott Salisbury, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mrs. Katherine M. Littell, It is ordered that Anne Clark Chatterton, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Norman M. Littell, It is ordered that William Otis Chatterton, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Kirkham Jackson, It is ordered that Al. G. Rives, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Howard F. Houk, Esquire, of Santa Fe, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert C. Hirsch, It is ordered that Paul Kern Hirsch, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, and Cresswell S. Shumaker, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Walker, It is ordered that Walter B. Emery, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that William J. Crowe, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Struve Hensel, It is ordered that Jacob E. Davis, Esquire, of Waverly, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Littleton, It is ordered that Chas. C. Crabtree, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Archie K. Shipe, It is ordered that W. O. Leftwich, Esquire, of Pulaski, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Pierce, It is ordered that Edith M. Cockrill, of Covington, State of Tennessee be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

- - - - - - - - - -

Chicago, Saint Paul, Minneapolis & Omaha Railway Company, et al., Appellants,

482 vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the District of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Jackson.

Emanuel Pollock, Appellant,

345 vs.

H. T. Williams, as Sheriff of Brevard County, Florida.

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Jackson.

Dissenting opinion by Mr. Justice Reed in which Mr. Chief Justice Stone joins.

The United States,

Petitioner,

75 vs.

Algernon Blair, Individually, and to the Use of Roanoke Marble & Granite Company.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court as follows: The judgment of the Court of Claims is reversed as to all items except the claim of $9,730.27. As to the latter claim the judgment is affirmed.

IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Opinion by Mr. Justice Frankfurter dissenting in part in which Mr. Justice Roberts joins.

The United States of America,

Appellant,

62 vs.

Bausch & Lomb Optical Company, M. Herbert Eisenhart, Ben A. Ramaker, Joseph F. Taylor, Soft-Lite Lens Company, Inc., Nathaniel Singer, and R. G. Landis; and

Soft Lite-Lens Company, Inc., Nathaniel Singer, and R. G. Landis,

Appellants,

64 vs.

The United States of America.

Appeals from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, modified as indicated in the opinion of this Court, and, as so modified, affirmed.

It is further ordered that this cause be, and the same is

with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Franks Bros. Company,
Petitioner,
521 vs.
National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

The Chief Justice took no part in the consideration or decision of this case.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,
Petitioner,
436 vs.
James V. Reuter, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Louisiana where petitioner will be free to take such proceedings for the enforcement of the judgment of the District Court, as he may deem advisable, and as may be proper in the circumstances of the case.

Per Mr. Chief Justice Stone.

Medo Photo Supply Corporation,
Petitioner,
265 vs.
National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Roberts.
Dissenting opinion by Mr. Justice Rutledge.

- - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

U. S. ex rel. Robert Tigney,
Petitioner,
—— vs.
Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the application submitted herein by Robert Tigney,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

People of the State of New York
ex rel. Andrew W. Vialva,
Petitioner,
—— vs.
Blakely R. Webster, Superintendent.

ON CONSIDERATION of the application submitted herein by

IT IS ORDERED by this Court that the said application be, a
the same is hereby, denied.

Per Mr. Chief Justice Stone.

People of the State of Illinois
ex rel. William Sullivan,

Petitioner,

—— vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition
for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and t
same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Allan Lambus,

Petitioner,

——.

ON CONSIDERATION of the motion for leave to file a petition
for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and t
same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

811 vs.

Margaret M. Johnson and Mary E.
Layton, Doing Business as the
United States Dental Company, et al.

The statement of jurisdiction in this case having been sub-
mitted and considered by the Court, probable jurisdiction is noted and the
case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Gustav H. Kamm, Order allowing certiorari.

Petitioner,

759 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Hooven & Allison Company, Order allowing certiorari.

Petitioner,

781 vs.

William S. Evatt, Tax Commissioner of Ohio.

The petition herein for a writ of certiorari to the Supreme Court of the State of Ohio is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Sage Stores Company and Carolene Products Company, Order allowing certiorari.

Petitioners,

745 vs.

The State of Kansas, ex rel. A. B. Mitchell, (Substituted as Attorney General).

The petition herein for a writ of certiorari to the Supreme Court of the State of Kansas is granted, limited to the first question presented by the petition and the case is assigned for argument immediately following No. 674.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Michael P. McDonald,

Petitioner,

768 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

C. M. Hargrove,

Petitioner,

736 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John A. Johnston Contracting Corporation, Formerly Known as J. A. J. Construction Company, et al.,

Petitioners,

753 vs.

The United States of America for the Use and Benefit of Worthington Pump and Machinery Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

C. E. Mottaz, I. C. Smith and Virginia Behnken, et al.,

Petitioners,

755 vs.

Edward L. Scheufler, Superintendent of the Insurance Department of the State of Missouri, et al.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

American Creosoting Company,

Petitioner,

756 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alfred Fenton,

Petitioner,

764 vs.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Russell G. Smith,
Petitioner,
765 vs.
L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Pennsylvania Power & Light Company,
Petitioner,
769 vs.
Federal Power Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jack Barg,
Petitioner,
774 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dealer's Transport Company,
Petitioner,
776 vs.
Essie May Reese, as Administratrix of the Estate of Isaac Reese, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Connecticut Mutual Life Insurance Company,
Petitioner,
783 vs.
Samuel A. Sperber.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

New York Life Insurance Company,
Petitioner,
784 vs.
Samuel A. Sperber.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Capetola, Jr., a Minor, by His Next Friend, John Capetola, Sr., et al., Petitioners, vs. Barclay White Company.

805

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit and of the argument of counsel thereupon had, it is now here ordered by the Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bernard B. Bailey, Petitioner, vs. J. A. Anderson, State Highway Commissioner, et al.

829

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bernard B. Bailey, Petitioner, vs. J. A. Anderson, State Highway Commissioner, et al.

829

ON CONSIDERATION of the motion for a stay of condemnation proceedings in this cause pending in the Circuit Court of Fairfax County, Virginia,

IT IS ORDERED by this Court that the said motion for a stay be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Boyd Gilleland,

Petitioner,

687 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Boyd Gilleland,

Petitioner,

687 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edwin Albert Burt, Garnet Seay, Raymond Verle Waters, et al.,

Petitioners,

688 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edwin Albert Burt, Garnet Seay, Raymond Verle Waters, et al.,
Petitioners,
688 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emmet H. Bozel,
Petitioner,
694 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Emmet H. Bozel,
Petitioner,
694 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Lorena Marbry,

Petitioner,

773 vs.

George W. Cain, and Garnishee, American Central Insurance Company.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mrs. Lorena Marbry,

Petitioner,

773 vs.

George W. Cain, and Garnishee, American Central Insurance Company.

On petition for writ of certiorari to the Supreme Court of the State of Tennessee.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Tennessee, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, April 24, next, at 12 o'clock.

MONDAY, APRIL 24, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Robert L. Wiley, Esquire, of Chippewa Falls, State of Wisconsin, and Wayne M. Collins, Esquire, of San Francisco, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that John B. Mellott, Esquire, of Ann Arbor, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Elmer W. Freytag, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Louise B. Hart, It is ordered that Asa E. Phillips, Jr., Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Robert I. Wilson, Esquire, of Kerrville, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that Gene Eckerty, Esquire, of Princeton, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Laughlin, It is ordered that Harry Louis Fisher, Esquire, of Muscatine, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Kratz, Jr., It is ordered that Ray M. Stroud, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold H. Persons, It is ordered that Richard R. Teschner, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee B. Kemon, It is ordered that Douglas H. Kenyon, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Charles V. Schwenker, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis B. Delehanty, Jr., It is ordered that Lloyd Francis Harris, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. G. Burgess Ela, It is ordered that Martin Marcus Morrissey, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H.E. Jaeger, It is ordered that John Ashfield McGuire, Esquire, of Yuma, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert S. Thatcher, It is ordered that H. Albert Young, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Smith, Jr., It is ordered that Geo. M. Ethridge, Jr., Esquire, of Meridian, State Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph P. O'Hara, It is ordered that Minnie Cottle Keller, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. O. R. McGuire, It is ordered that Wm. A. Stuart, Esquire, of Abingdon, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert W. Knox, It is ordered that Milton Carr Ferguson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph H. Davis, It is ordered that W. Dean Nutting, Esquire, of Holbrook, State of Arizona, and George W. Tackabury, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - -

National Labor Relations Board, Petitioner, vs. Hearst Publications, Incorporated.

336

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Rutledge.

Mr. Justice Reed concurs in the result.
Dissenting opinion by Mr. Justice Roberts.

National Labor Relations Board, Petitioner, vs. Stockholders Publishing Company, Inc.

337

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Rutledge.

Mr. Justice Reed concurs in the result.
Dissenting opinion by Mr. Justice Roberts.

National Labor Relations Board, Petitioner, vs. Hearst Publications, Incorporated.

338

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Rutledge.

Mr. Justice Reed concurs in the result.
Dissenting opinion by Mr. Justice Roberts.

National Labor Relations Board, Petitioner, vs. The Times-Mirror Company.

339

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Rutledge.

Mr. Justice Reed concurs in the result.
Dissenting opinion by Mr. Justice Roberts.

The United States of America, Petitioner, vs. American Surety Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

381

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Montana.

Per Mr. Justice Murphy.

Clifford F. MacEvoy Company and The Aetna Casualty and Surety Company, Petitioners, vs. The United States of America, for the use and Benefit of The Calvin Tomkins Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

483

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Southern Railway Company, Petitioner, vs. The United States. — On writ of certiorari to the Court of Claims.

578

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Douglas.

The United States of America, Petitioner, vs. Edna W. Ballard and Donald Ballard. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

472

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts and Mr. Justice Frankfurter join.

Opinion by Mr. Justice Jackson dissenting in part.

The United States of America, Petitioner, vs. James P. Mitchell. 514

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Douglas and Mr. Justice Rutledge concur in the result.
Opinion by Mr. Justice Reed concurring in the result.
Dissenting: Mr. Justice Black.

The United States of America, Petitioner, vs. James P. Mitchell. 515

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice Douglas and Mr. Justice Rutledge concur in the result.
Opinion by Mr. Justice Reed concurring in the result.
Dissenting: Mr. Justice Black.

Great Northern Life Insurance Company,
Petitioner,
235 vs.
Jess G. Read, Insurance Commissioner for the State of Oklahoma.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated at the cost of the petitioner; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Oklahoma with directions to dismiss the complaint for want of jurisdiction.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Frankfurter in which the Chief Justice and Mr. Justice Roberts concur.

Barge "Anaconda" and Smith-Rowland Company, Inc.,
Petitioners,
649 vs.
American Sugar Refining Company.

On writ of certiorari to the United States Circuit Courtof Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida.

Per Mr. Justice Roberts.

The United States of America, Interstate Commerce Commission, Coastal Tank Lines, Inc., et al., Appellants,

vs.

Marshall Transport Company, Warren C. Marshall, Refiners Transport Terminal Corporation.

Appeal from the District Court of the United States for the District of Maryland.

589

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Maryland, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Stone.

Dissenting: Mr. Justice Roberts.

- - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - -

Ex parte Oliver Gobin,

Petitioner,

ON CONSIDERATION of the application submitted herein by Oliver Gobin,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Noel Gaines,

Petitioner,

---.

ON CONSIDERATION of the application submitted herein by Noel Gaines,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Garfield J. Kelley,

Petitioner,

--- vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Horace W. Trice,

Petitioner,

--- vs.

Dr. J. LeRoy Wright, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, et al.,

Appellants,

845 vs.

The Pennsylvania Railroad Company, et al.; and

The Pennsylvania Railroad Company, et al.,

Appellants,

846 vs.

The United States of America, et al.

A rule is ordered to issue, returnable May 1, next, requiring the parties to show cause on briefs, accompanied by supporting affidavits if so desired, why the cause should not be dismissed as moot. Reply briefs and affidavits may be filed not later than 12 noon, May 5, next.

Per Mr. Chief Justice Stone.

M. Claude Screws, Frank Edward Jones and Jim Bob Kelley,

Petitioners,

804 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Valentine-Clark Corporation,

Petitioner,

644 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Northwest Bancorporation, Petitioner, vs. Commissioner of Internal Revenue. 777 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Gable and Charlie Hutter, Petitioners, vs. State of Alabama. 749 — On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Irving Feinberg and Mark Godfrey, Petitioners, vs. The United States of America. 757 — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Theodore Roosevelt Potts,

Petitioner,

763 vs.

Robert W. Rabb, United States Marshal for the Middle District of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fannie E. Williams,

Petitioner,

770 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mitchell Irrigation District, a Corporation,

Petitioner,

778 vs.

John A. Whiting, Jr., Water Commissioner, District 14, Division 1, State of Wyoming.

On petition for writ of certiorari to the Supreme Court of the State of Wyoming.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wyoming, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Town of Pelham, Westchester County, New York,

Petitioner,

792 vs.

The Employers' Liability Assurance Corporation, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles B. Eells,

Petitioner,

796 vs.

J. W. Hall.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Starr Piano Company, Pacific Division, a Corporation,

Petitioner,

797 vs.

Ethel Strickland Rogan, Executrix of the Last Will of Nat Rogan, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Sun Publishing Company,
Petitioner,
807 vs.
L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Karp Metal Products Company, Inc.,
Petitioner,
602 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roy Charles Thompson, Debtor - Bankrupt,
Petitioner,
673 vs.
Farmers Bank of Lohman, Lohman, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jacob Reichert,

Petitioner,

808 vs.

The Federal Land Bank of St. Paul.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Great Southern Trucking Company and L. A. Raulerson,

Petitioners,

775 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

California Retail Grocers & Merchants Association, Ltd., et al.,

Petitioners,

787 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas H. O'Neal,

Petitioner,

795 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Metropolitan Life Insurance Company,

Petitioner,

799 vs.

Madden Furniture, Inc. and Marguerite Madden.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Philip Egner, Frederick C. Mayer and Shapiro Bernstein & Co., Inc.,

Petitioners,

810 vs.

E. C. Schirmer Music Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

American Stores, Inc.,
Petitioner,
812 vs.
Chester Bowles, Administrator,
Office of Price Administration.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The City of New York,
Petitioner,
818 vs.
The National City Bank of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter McDonald,
Petitioner,
658 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Walter McDonald,

Petitioner,

658 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, andof the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward M. Winston,

Petitioner,

786 vs.

Thomas J. Courtney, State's Attorney, County of Cook, a Municipal Corporation of the State of Illinois and others.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for failure to comply with paragraphs 1 and 2 of Rule 38 and paragraph 1 of Rule 12.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

The Independent Association of Mill Workers, et al.,

Petitioners,

802 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of

Otis Spencer,

Petitioner,

751 vs.

Dr. M. J. Pescor, Warden, U. S. Medical Center for Federal Prisoners, Springfield, Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Otis Spencer,

Petitioner,

751 vs.

Dr. M. J. Pescor, Warden, U. S. Medical Center for Federal Prisoners, Springfield, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bernard M. Shotkin,

Petitioner,

800 vs.

Mutual Benefit Health & Accident Association.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Bernard M. Shotkin,

Petitioner,

800 vs.

Mutual Benefit Health & Accident Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Anthony Adams,

Petitioner,

833 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Anthony Adams,

Petitioner,

833 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Smith,

Petitioner,

837 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Smith,

Petitioner,

837 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Sheppard,

Petitioner,

859 vs.

Hon. Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Sheppard,

Petitioner,

859 vs.

Hon. Walter Niersheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Gardner,

Petitioner,

772 vs.

Paul E. Kaiser, Warden, Missouri
State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Gardner,

Petitioner,

772 vs.

Paul E. Kaiser, Warden, Missouri
State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Francis Haines,

Petitioner,

852 vs.

Thos. J. Bowles, Clerk of the Criminal Court of Cook County, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Francis Haines,

Petitioner,

852 vs.

Thos. J. Bowles, Clerk of the Criminal Court of Cook County, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED By this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joel R. Hall,

Petitioner,

872 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard Branch.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joel R. Hall,

Petitioner,

872 vs.

Walter Nierstheimer, Warden, Illinois State Penitentiary, Menard, Branch.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Bernovich,

Petitioner,

879 vs.

People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Bernovich,

Petitioner,

879 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Long,

Petitioner,

822 vs.

Ralph E. Benson, Warden, Michigan Branch Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Long,

Petitioner,

822 vs.

Ralph E. Benson, Warden, Michigan Branch Prison.

ON CONSIDERATION of the motion for leave to file certain briefs in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Long, Petitioner, 822 vs. Ralph E. Benson, Warden, Michigan Branch Prison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Henry Long,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edith Haskins,

Petitioner,

875 vs.

Federal Farm Mortgage Corporation.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edith Haskins,

Petitioner,

875 vs.

Federal Farm Mortgage Corporation.

ON CONSIDERATION of the application for a stay herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edith Haskins,

Petitioner,

875 vs.

Federal Farm Mortgage Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

George Hodge,

Petitioner,

801 vs.

Ray L. Huff.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

George Hodge,

Petitioner,

801 vs.

Ray L. Huff.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Martin Voorhees,

Petitioner,

780 vs.

Ora H. Cox, Warden, Medical Center for Prisoners, Springfield, Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Martin Voorhees,

Petitioner,

780 vs.

Ora H. Cox, Warden, Medical Center for Prisoners, Springfield, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. M. Sartor, et al.,

Petitioners,

232 vs.

Arkansas Natural Gas Corporation.

A petition for rehearing having been filed in this case by counsel for petitioners,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. M. Sartor, et al.,

Petitioners,

232 vs.

Arkansas Natural Gas Corporation.

A petition for rehearing having been filed in this case by counsel for respondent,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wells Fargo Bank & Union Trust Co., substituted as Executor of the Last Will of Mary E. Morris, Deceased, et al.,

Petitioners,

310 vs.

Imperial Irrigation District, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Equitable Life Assurance Society of the United States,

Petitioner,

492 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry E. Terrell,

Petitioner,

617 vs.

Dr. M. J. Pescor, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cape Ann Granite Company, Inc.,

Petitioner,

624 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Western Cartridge Company, Winchester Repeating Arms Company Division,

Petitioner,

657 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City of Los Angeles and Department of Water and Power of the City of Los Angeles,

Petitioners,

723 vs.

Natural Soda Products Company

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Vincent J. Cullotta,

Petitioner,

782 vs.

Joseph E. Ragen, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City of Coral Gables, Florida,

Petitioner,

388 vs.

Ed. C. Wright, Doing Business as Ed. C. Wright & Company, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

— - - - - - - - —

Carlos M. DeCastro,

Petitioner,

349 vs.

Board of Commissioners of San Juan.

Argued by Mr. William Cattron Rigby for the petitioner and by Mr. F. F. Cuyar for the respondent.

Mario Mercado E. Hijos,

Petitioner,

497 vs.

Elvira Olivieri Commins, et al.

Argued by Mr. William Cattron Rigby and Mr. Pedro M. Porrata for the petitioner and case submitted by Mr. Celestino Dominquez Rubio for the respondents.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Kenneth C. Royall, It is ordered that Lauson H. Stone, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gustav B. Margraf, It is ordered that Fleming B. Bomar, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Y. D. Mathes It is ordered that Orrin H. Bonney, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that Percy B. Revels, Esquire, of Palatka, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Gwynn Gardiner, It is ordered that Marian DeBelle, of Washington, District of

On motion first made to the Court in this behalf by Mr. Charles B. McInnis, It is ordered that Ward T. Jones, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Russell Bowen, It is ordered that R. Sidney Johnson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that Warren H. Atherton, Esquire, of Stockton, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. Souby, It is ordered that William E. Davis, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter T. Margetts, Jr., It is ordered that Paul J. Christiansen, Esquire, of West Orange, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

American Seating Company,

Petitioner,

613 vs.

Lucian T. Zell.

Argued by Mr. William Dwight Whitney for the petitioner and by Mr. J. Edward Lumbard, Jr., for the respondent.

Elmer Hartzel,

Petitioner,

531 vs.

The United States of America.

Argued by Mr. Ode L. Rankin for the petitioner and Mr. Solicitor General Fahy for the respondent.

Frank L. Huddleston, et al., etc.,

Petitioners,

628 vs.

R. H. Dwyer, et al.

Argued by Mr. William E. Davis for the petitioners and case submitted by Mr. William L. Curtis for the respondents.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that Emanuel N. Frankel, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard F. Harless, It is ordered that Samuel H. Fowler, Esquire, of Tucson, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Sutherland, It is ordered that W. Edward Swinson, Esquire, of Columbus, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Dondero, It is ordered that Harry J. Merritt, Esquire, of Royal Oak, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen Wilbur Denny, It is ordered that Leo E. Fitzgibbons, Esquire, of Estherville,

On motion first made to the Court in this behalf by Mr. J. Bowers Campbell, It is ordered that Robert E. White, Esquire, of Florence, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William F. Fitzgerald, It is ordered that Charles Lyon Beckler, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Elmore, Jr., It is ordered that Robert E. Canfield, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carroll L. Beedy, It is ordered that Warren E. Magee, Esquire, of Chevy Chase, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

W. D. Lyons,

Petitioner,

433 vs.

The State of Oklahoma.

Argued by Mr. Thurgood Marshall for the petitioner and by Mr. Sam.H. Lattimore for the respondent. Leave granted respondent to file a brief by May 17 next.

Carl Wilhelm Baumgartner,

Petitioner,

493 vs.

The United States of America.

Argued by Mr. Harold Evans for the petitioner and by Mr. Solicitor General Fahy for the respondent.

- - - - - - - - - -

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Richard F. Harless, It is ordered that Roy L. Herndon, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer D. Angell, It is ordered that Miel R. Allen, Esquire, of Grants Pass, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James R. Breakey, Jr., It is ordered that Hugh Francis, Esquire, of Detroit, State of Michigan, and Bernard F. Powell, Esquire, of Detroit, State of Michigan, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that Joseph Andrews. III, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse I. Miller, It is ordered that Harry B. Miller, Esquire, of Lexington, Commonwealth of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lord O'Brian, It is ordered that Alfred Berman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edmund D. Campbell, It is ordered that Edward G. Fenwick, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Royal E. Jackson, It is ordered that Frank F. Reynolds, Esquire, of Alexandria, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alvin J. Rockwell, It is ordered that Henry Ford, Jr., Esquire, of Kalamazoo, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert A. Grorud, It is ordered that James R. Eagleton, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

International Harvester Company,

Appellant,

620 vs.

Wisconsin Department of Taxation;
and

Minnesota Mining and Manufacturing
Company,

Appellant,

621 vs.

Wisconsin Department of Taxation.

Argument commenced by Mr. Ray M. Stroud for the appellant in No. 620; continued by Mr. Edward R. Lewis for the appellant in No. 620; by Mr. G. Burgess Ela for the appellant in No. 621; by Mr. Harold H. Persons for the appellee; and concluded by Mr. Edward R. Lewis for the appellant in No. 620.

Kenneth M. Keefe, and Wallace D.
Bradford,

Appellants,

634 vs.

Earl L. Clark, Drain Commissioner
of Oakland County, Michigan, et al.

Argument commenced by Mr. Irvin Long for the appellants and continued by Mr. Harry J. Merritt for the appellees.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Homer D. Angell, It is ordered that Peter A. Schwabe, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles F. Wilson, It is ordered that John Carroll Morrissey, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence D. Todd, Jr., It is ordered that Haskell Donoho, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis E. Miller, It is ordered that David K. Breed, Esquire, of Saint Louis, State of Missouri, and Marion T. Bennett, Esquire, of Springfield, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Owen H. George, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Brandt S. Hervey, Esquire, of Newark, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. U. Bon Geaslin, It is ordered that Vernon B. Lowery, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Sam H. Jones, Governor of the State of Louisiana, ex rel. the State of Louisiana, Louisiana Farmers' Protective Union, Inc., et al.,

Complainants,

——, Original vs.

Chester Bowles, Administrator of The Office of Price Administration.

Motion for leave to file bill of complaint presented.

- - - - - - - - - - -

Kenneth M. Keefe and Wallace D. Bradford,

Appellants,

634 vs.

Earl L. Clark, Drain Commissioner of Oakland County, Michigan, et al.

Argument continued by Mr. Harry J. Merritt for the appellees and concluded by Mr. William Clarence Hudson for the appellees.

The United States of America,

Petitioner,

648 vs.

D. B. Hellard.

Argued by Mr. Marvin J. Sonosky for the petitioner and by Mr. George H. Jennings for the respondent.

The United States of America,

Appellant,

716 vs.

Clyde Saylor, et al.; and

The United States of America,

Appellant,

717 vs.

Clarence Poer, et al.

Argued by Mr. Paul A. Freund for the appellant and by Mr. Harry B. Miller for the appellees.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Mildred Brooks Fitch, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Kilday, It is ordered that Fagan Dickson, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George R. Shields, It is ordered that Cecil W. Collins, Esquire, of Los Angeles, State of California, and Hirsch E. Soble, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that F. M. Ryburn, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander

of Texas, and Daniel R. Jones, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Richard B. McEntire, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Egan Shea, It is ordered that Joseph F. Mattice, Esquire, of Asbury Park, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Thomas, It is ordered that Roland H. Rogers, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh H. Obear, It is ordered that Mortimer A. Kline, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl I. Wheat, It is ordered that Thomas J. Reynolds, Esquire, of Beverly Hills, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. Carlisle Parber, It is ordered that John LeRoy Peterson, Esquire, of Council Bluffs, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George R. Wearing, It is ordered that John D. Randall, Esquire, of Cedar Rapids, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Rigby, It is ordered that Philip Reich, Esquire, of Bridgeport, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Kammerman, It is ordered that James C. Shannon, Esquire, of Bridgeport, State of Connecticut, and Allan E. Brosmith, Esquire, of Hartford, State of Connecticut, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sylanus Rhyne, It is ordered that James C. Tormey, Esquire, of Syracuse, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter G. Moyle, It is ordered that Martin M. Larson, Esquire, of Salt Lake City, State of Utah, and Dorathea Merrill Dryer, of Salt Lake City, State of Utah, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. William S. Bennet, It is ordered that Harold Forstenzer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Finerty, It is ordered that John E. Buck, Esquire, of New York, State of New York, and Thomas A. Halleran, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that David F. Cavers, Esquire, of Falls Church, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John P. Chl, It is ordered that James A. Fowler, Jr., Esquire, of New York, State of New York, and Daniel James, Esquire, of New York, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Donnelly, It is ordered that Frederic H. Stafford, Esquire, of Chicago, State of Illinois, and Karl P. Spencer, Esquire, of Saint Louis, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Herman M. Buck, Esquire, of Uniontown, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - - -

The United States of America and Mesta Machine Company,

Appellants,

vs.

County of Allegheny, Pennsylvania.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

417

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Jackson.

Mr. Justice Black and Mr. Justice Douglas concur in the result.
Dissenting opinion by Mr. Justice Roberts.
Dissenting opinion by Mr. Justice Frankfurter.

E. E. Ashcraft and John Ware, Petitioners, vs. State of Tennessee.

391

On writ of certiorari to the Supreme Court of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court as follows: The judgment of the Supreme Court of Tennessee affirming Ware's conviction is vacated with costs, and his case is remanded to that court for further proceedings as indicated in the opinion of this Court. The judgment affirming Ashcraft's conviction is reversed with costs and the cause is remanded to the Supreme Court of Tennessee for proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Roberts and Mr. Justice Frankfurter join.

Allen Calculators, Inc., Appellant, vs. The National Cash Register Company and The United States of America.

592

Appeal from the District Court of the United States for the Southern District of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Black, Mr. Justice Douglas and Mr. Justice Murphy.

- - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - -

Joseph S. Donovan, as Administrator of the Estate of Stephen J. Donovan, Deceased,

Appellant,

vs.

Kansas City, Missouri.

Appeal from the Supreme Court of the State of Missouri.

874

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Sam H. Jones, Governor of the State of Louisiana, ex rel. The State of Louisiana, et al.,

Complainants,

vs.

Chester Bowles, Administrator, etc.

——, Original

ON CONSIDERATION of the motion for leave to file the complaint herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied for the want of jurisdiction of this Court to entertain it under Article III, Section 2, of the Constitution.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - - -

Ex parte Samuel Jackson,

Petitioner,

—.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Percy Arthur Whistler,

Petitioner,

—.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Burkett Patterson,

Petitioner,

— vs.

Joseph W. Sanford, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William Hanley,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte William Hanley,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte William Hanley,

Petitioner,

---.

Treating the habeas corpus papers herein as a petition for writ of certiorari to the Supreme Court of the State of Illinois,

ON CONSIDERATION WHEREOF, It is ordered by this Court that the petition for certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John Welch,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John Welch,

Petitioner,

___.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Ex parte John Welch,

Petitioner,

___.

Treating the habeas corpus papers herein as a petition for writ of certiorari to the Supreme Court of the State of Illinois,

ON CONSIDERATION WHEREOF, It is ordered by this Court that the petition for certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Colorado,
Complainant,

5, Original vs.

The State of Kansas and the Finney County Water Users' Association, a Corporation.

D E C R E E

This cause having been heretofore submitted on the pleadings and the evidence taken before and reported by the Commissioner and the Special Master appointed for the purpose, and the Court being now fully advised in the premises:

It is considered, ordered and decreed that the defendant, The Finney County Water Users' Association, its officers, attorneys, agents and employees, be, and they are hereby, severally enjoined from prosecuting further those certain cases now pending in the District Court of the United States for the District of Colorado entitled The Finney County Water Users' Association, a corporation of Kansas, plaintiff, versus The Graham Ditch Company and others, defendants, and The Finney County Water Users' Association, a corporation of Kansas, plaintiff, versus The Coler Ditch and Reservoir Company, a corporation of Colorado, and others, defendants, said cases being numbered 6633 and 7493 respectively on the docket of said United States District Court.

It is further considered, ordered and decreed that the prayers of both the State of Colorado and the State of Kansas for relief other than that decreed herein be, and they are hereby dismissed.

It is also considered, ordered, and decreed that costs in this cause shall be borne and paid in equal parts by the States of Colorado and Kansas.

Per Mr. Chief Justice Stone.

The State of Colorado,

Complainant,

5, Original vs.

The State of Kansas, et al.

The statement of expenses filed by the Special Master amounting to $267.35 and the statement filed by G. C. Vaughan for stenographic services amounting to $118.80 in this case is approved.

Per Mr. Chief Justice Stone.

Southern Pacific Company,

Appellant,

878 vs.

State of Arizona, ex rel.
Joe Conway, Attorney General of
the State of Arizona.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

Wilson McCarthy and Henry Swan, Trustees of the Denver & Rio Grande Western Railroad Company, et al.,

Petitioners,

803 vs.

E. E. Bruner.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Utah is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Nils P. Severin, as Surviving partner of Nils P. Severin and Alfred N. Severin (Now Deceased), Formerly Co-partners Trading Under the Style of N. P. Severin Company,

Petitioner,

223 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Grand River Dam Authority, a Public Corporation,

Petitioner,

758 vs.

The Board of Education of the Town of Wyandotte, Oklahoma, Independent School District No. 1.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. S. Garlington and Jennie Lou Garlington,

Petitioners,

798 vs.

A. L. Wasson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur Lederer,

Petitioner,

806 vs.

The United States of America, ex rel. Prentiss M. Brown, Administrator, Office of Price Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert F. Klepinger, Miriam Klepinger, Aaron W. Klepinger, et al.,

Petitioners,

809 vs.

Fred B. Rhodes.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Goumas,

Petitioner,

813 vs.

K. Karras & Son and S. S. "Karras", Her Engines, Tackle Appurtenances, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

City of Milwaukee, J. J. Krueger, City Treasurer of the City of Milwaukee, et al.,

Petitioners,

816 vs.

The United States of America and Federal Public Housing Authority.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

American West African Line, Inc. and Barber Steamship Lines, Inc.,

Petitioners,

823 vs.

"Huilever" S. A. Division Huileries Du Congo Belge, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Katie M. Howell,

Petitioner,

824 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Estate of J. H. Howell, Deceased, Petitioner, vs. Commissioner of Internal Revenue. 825

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eleanor G. Murphy, Petitioner, vs. The City of Asbury Park, A Municipal Corporation. 827

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Helen Elizabeth McClure Innis, Petitioner, vs. UnitedMercantile Agencies, Inc. 832

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Safeway Trails, Inc., Petitioner, vs. Aaron E. Greenleaf. 843

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jogger Manufacturing Corporation, Petitioner, vs. Wendell H. Roquemore, Doing Business as Multigraph Sales Agency. 748

ON CONSIDERATION of the motion to use the certified record in No. 90, October Term, 1940,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jogger Manufacturing Corporation, Petitioner, vs. Wendell H. Roquemore, Doing Business as Multigraph Sales Agency. 748

ON CONSIDERATION of the motion for leave to file affidavits of E. F. Koenig and W. C. Dunlap and to have the same considered in conjunction with the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jogger Manufacturing Corporation,
Petitioner,
748 vs.
Wendell H. Roquemore, Doing Business as Multigraph Sales Agency.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rufus Meshberger and Lelia B. Meshberger,
Petitioners,
754 vs.
The Federal Land Bank of Louisville, Kentucky.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rufus Meshberger and Lelia B. Meshberger,
Petitioners,
754 vs.
The Federal Land Bank of Louisville, Kentucky.

ON CONSIDERATION of the application for an appeal in this case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. G. Blue, et al.,

Petitioners,

789 vs.

The United States of America;

Wm. N. Clark, et al.,

Petitioners,

790 vs.

The United States of America;
and

Earl Pardee, et al.,

Petitioners,

791 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this motion.

E. G. Blue, et al., On petition for writ of certiorari

Petitioners, to the United States Circuit Court

789 vs. of Appeals for the Sixth Circuit.

The United States of America.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that the petition should be granted.
Mr. Justice Douglas took no part in the consideration or decision of this application.

Wm. N. Clark, et al., Petitioners,
790 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that the petition should be granted.
Mr. Justice Douglas took no part in the consideration or decision of this application.

Earl Pardee, et al., Petitioners,
791 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy is of opinion that the petition should be granted.
Mr. Justice Douglas took no part in the consideration or decision of this application.

Charles Telfian, Petitioner,
771 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Telfian,

Petitioner,

771 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circui and of the argument of counsel thereupon had, it is now here ordered by t Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Earl Watson,

Petitioner,

891 vs.

Alfred F. Dowd, Warden, Indiana State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and t same is hereby, granted.

Per Mr. Chief Justice Stone.

Earl Watson,

Petitioner,

891 vs.

Alfred F. Dowd, Warden, Indiana State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, an the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chester Taylor,

Petitioner,

898 vs.

Alfred F. Dowd, Warden, Indiana State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Chester Taylor,

Petitioner,

898 vs.

Alfred F. Dowd, Warden, Indiana State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Dugan, Larry Thomas and Arthur Cassidy,

Petitioners,

899 vs.

Joseph E. Ragen, et al., etc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Fred Dugan, Larry Thomas and Arthur Cassidy,

Petitioners,

899 vs.

Joseph E. Ragen, et al., etc.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Smith,

Petitioner,

900 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Smith,

Petitioner,

900 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Howard O. Bonham,

Petitioner,

901 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Howard O. Bonham,

Petitioner,

901 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul Stockey,

Petitioner,

902 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Paul Stockey,

Petitioner,

902 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur Shelling,

Petitioner,

903 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Arthur Shelling,

Petitioner,

903 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Gunther,

Petitioner,

904 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Gunther,

Petitioner,

904 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carl Anderson,

Petitioner,

917 vs.

Joseph E. Ragen, Warden, Illinois
State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Carl Anderson,

Petitioner,

917 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Tony Lullo,

Petitioner,

918 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Tony Lullo,

Petitioner,

918 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roy Hogmire,

Petitioner,

919 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Roy Hogmire,

Petitioner,

919 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Carlos R. Lashbrook,

Petitioner,

920 vs.

T. P. Sullivan, Director of Public Safety, Division of Correction, Springfield, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Carlos R. Lashbrook,
Petitioner,
920 vs.
T. P. Sullivan, Director of Public Safety, Division of Correction, Springfield, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Ray Butsch,
Petitioner,
762 vs.
Omar O'Harrow, as Special Judge of the Criminal Court of Marion County, Indiana.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Ray Butsch,
Petitioner,
762 vs.
Omar O'Harrow, as Special Judge of the Criminal Court of Marion County, Indiana.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

O R D E R

It is ordered that the call of the docket, except for special assignments, be suspended for the term upon the conclusion of the argument in case No. 767, and that the Court will then take a recess until Monday, May 8th.

Per Mr. Chief Justice Stone.

- - - - - - - - -

The Chief Justice said:

"The Court will take a recess at 1 o'clock to enable the justices to attend the funeral of Mr. Secretary Knox and will reconvene at 3 o'clock or shortly thereafter.

- - - - - - - - -

The United States of America, et al.,

Appellants,

845 vs.

The Pennsylvania Railroad Company, et al.; and

The Pennsylvania Railroad Company, et al.,

Appellants,

846 vs.

The United States of America, et al.

Returns to the rule to show cause presented.

- - - - - - - - -

R. J. Thomas,

Appellant,

569 vs.

H. W. Collins, Sheriff of Travis County, Texas.

Argued by Mr. Lee Pressman and Mr. Ernest Goodman for the appellant and by Mr. Fagan Dickson for the appellee. Motion to file amended transcript and for an order requiring appellant to give recognizance submitted by Mr. Fagan Dickson for the appellee.

- - - - - - - - -

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Adolph Magidson, It is ordered that George Moskowitz, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ed Gossett It is ordered that Eugene Sherrod, Jr., of Wichita Falls, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas I. Emerson, It is ordered that Byron S. Miller, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Buckley, It is ordered that Jeremiah C. Waterman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Myam Lee Ratner, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, and W. C. Ratliff, Esquire, of Cooper, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur B. Carton, It is ordered that Herman Tocker, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Lenihan, It is ordered that Arthur E. Fay, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wall Doxey, It is ordered that Alfred Moore, Esquire, of Hattiesburg, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

L. P. Steuart & Bro., Inc.,

Petitioner,

793 vs.

Chester Bowles, Administrator,
Office of Price Administration,
et al.

Argued by Mr. Renah F. Camalier for the petitioner and by Mr. Thomas I. Emerson for the respondent.

The Interstate Commerce Commission
and Hudson & Manhattan Railroad
Company,

Appellants,

767 vs.

The City of Jersey City, Fred M.
Vinson, Stabilization Director,
by Chester Bowles, Price Administrator.

Three hours allowed for oral argument. Argument commenced by Mr. Edward M. Reidy for the appellant, Interstate Commerce Commission; and continued by Mr. John F. Finerty for appellant, Hudson and Manhattan Railroad Company; and by Mr. Charles Hershenstein for appellee, City of Jersey City.

- - - - - - - - - -

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harry D. Fensko, It is ordered that James McEvoy, Jr., Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Balfour S. Jeffrey, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben S. Fisher, It is ordered that Joseph A. Sizoo, Esquire, of Arlington, Commonwealth of Virginia, and John P. Southmayd, Esquire, of Great Falls, State of Montana, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest L. Wilkinson, It is ordered that Kennett H. Malan, Esquire, of Ogden, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

The Interstate Commerce Commission
and Hudson & Manhattan Railroad
Company,

Appellants,

767 vs.

The City of Jersey City, Fred M.
Vinson, Economic Stabilization
Director, etc.

Argument continued by Mr. David F. Cavers for the appellee, Fred M. Vinson, Economic Stabilization Director, and concluded by Mr. John F. Finerty for the appellant, Hudson & Manhattan Railroad Company.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, May 8, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Joseph Vernon Hodgson, Esquire, of Honolulu, Territory of Hawaii; Joseph Edward Casey, Esquire, of Boston, Commonwealth of Massachusetts; Eugene T. Kinnaly, Esquire, of Washington, District of Columbia; and John C. Harrington, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis E. Walter, It is ordered that Charles Howard Harry, Jr., Esquire, of Norristown, Commonwealth of Pennsylvania. be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William G. Stigler, It is ordered that Richard H. Cloyd, Esquire, of Norman, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Eugene T. Brennan, Esquire, of Elizabeth, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wall Doxey, It is ordered that Eugene P. Lacey, Esquire, of Booneville, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Justin Leroy Johnson, It is ordered that Otto Rohwer, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Anthony J. Dimond, It is ordered that Clyde R. Ellis, Esquire, of Anchorage, Territory of Alaska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Grant, It is ordered that Charles H. Wills, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Chandler, It is ordered that John E. Owens, Esquire, of Chicago, State of Illinois; Thomas L. Owens, Esquire, of Chicago, State of Illinois, and Vincent G. Rinn, Esquire, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Carey, It is ordered that Robert D. Blasier, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, and William E. Miller, Esquire, of Pittsburgh, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Bernard Smith, It is ordered that Amos T. Hall, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thos. Seay Lawson, It is ordered that Effie Crittenden Dunstan, of Montgomery, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Harold Robinson, It is ordered that Albert Philipson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar W. Giese, It is ordered that Austin S. Phillips, Esquire, of Larchmont, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. A. Van Orsdel, It is ordered that Edward R. Schoen. Esquire, of Saint Albans, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Geo. M. Ethridge, Jr., It is ordered that Green Rayner Gaillard, Esquire, of Meridian, State of Mississippi, and George B. Gose, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. David R. Shelton, It is ordered that John Martin Evans, Esquire, of Boulder, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth A. Richardson, It is ordered that Carlton G. Nelson, Esquire, of Grand Forks, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Malcolm F. Halliday, It is ordered that Margaret L. Fassig, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Margaret M. Farmer, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Richard C. Flesch, It is ordered that William I. Horner, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George L. Quinn, Jr., It is ordered that A. Holly Patterson, Esquire, of Hempstead, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max G. Baron, It is ordered that Herbert Sharfman, Esquire, of Allentown, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee Gilmour Paul, It is ordered that Henry O. Eversole, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Durward E. Balch, It is ordered that Elliott M. Weiner, Esquire, of Monroe, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that Percy Bateman Ennis, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Joseph F. Smith, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl I. Wheat, It is ordered that Frank Syer Barrett, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Ernest Roe, It is ordered that Joseph Gustave Werner, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon W. Kapp, It is ordered that Samuel B. Lesser, Esquire, of Newark, State of New Jersey, and Myron L. Levy, Esquire, of Somerville, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert G. Grorud, It is ordered that Markus S. Simon, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Edward Stern, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

O R D E R

The State of Kansas,

Complainant,

9, Original vs.

The State of Missouri.

The land in dispute in this case is awarded to the State of Missouri and the boundary line will be fixed as the master has recommended in his report. A decree will be entered accordingly.

Per Mr. Justice Rutledge.

Union Brokerage Company,
Petitioner,
291 vs.
Norman G. Jensen and Curtis M. Rime.

On writ of certiorari to the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice Jackson and Mr. Justice Rutledge.

The United States of America, et al.,
Appellants,
453 vs.
Wabash Railroad Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is, according to the opinion of the Chief Justice, ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - -

American Seating Company,
Petitioner,
613 vs.
Lucian T. Zell.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs and the judgment of the District Court is affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Stone.

Bernard G. McGuire,

Petitioner,

598 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motions for leave to proceed in forma pauperis and to add to the record the order of the District Court of the United States for the Western District of Michigan, dated April 7, 1944,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Stone.

Bernard G. McGuire,

Petitioner,

598 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Bernard G. McGuire,

Petitioner,

598 vs.

Walter A. Hunter, Warden, United States Penitentiary, Leavenworth, Kansas.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court as follows: In view of the new issues raised by the order of April 7, 1944, and with the consent of the Solicitor General, the judgments of the Circuit Court of Appeals and of the District Court are vacated, and the cause is remanded to the District Court of the United States for the District of Kansas with leave to each party to present further evidence upon the material issues of the case.

Per Mr. Chief Justice Stone.

Albert R. House,

Appellant,

936 vs.

Nathan Mayo, State Prison Custodian.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert R. House, Appellant, 936 vs. Nathan Mayo, State Prison, Custodian.

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Albert R. House, Appellant, 936 vs. Nathan Mayo, State Prison Custodian.

Appeal from the Supreme Court of the State of Florida.

TREATING the appeal papers hereon from the Supreme Court of the State of Florida as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James M. Smith,

Appellant,

—, vs.

Dr. M. J. Pescor, Warden.

ON CONSIDERATION of the petition for the allowance of an appeal in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Stanley B. Peplowski,

Petitioner,

—.

ON CONSIDERATION of the motion for leave to file a petition for writs of habeas corpus and mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Harold D. Reed,

Petitioner,

—.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Raymond Jones,

Petitioner,

—.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Ex parte Clarence Williams,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mitsuye Endo,

932 vs.

Milton Eisenhower, Director, etc.

In accordance with section 239 of the Judicial Code (28 U.S.C., section 346), it is ordered that the entire record in this case be certified up to this Court so that the whole matter in controversy may be considered by the Court. The case is assigned for argument immediately following the hearing of No. 679.

Per Mr. Chief Justice Stone.

The United States of America, et al.,

Appellants,

845 vs.

The Pennsylvania Railroad Company, et al.; and

The Pennsylvania Railroad Company, et al.,

Appellants,

846 vs.

The United States of America, et al.

The statements of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted.

On consideration of the returns to the rule to show cause why the cases should not be dismissed as moot, it is ordered that the rule to show cause be, and the same is hereby, discharged.

Per Mr. Chief Justice Stone.

The Associated Press, et al.,

Appellants,

880 vs.

The United States of America;

Tribune Company and Robert Rutherford McCormick,

Appellants,

881 vs.

The United States of America; and

The United States of America,

Appellant,

882 vs.

The Associated Press, et al.

The statements of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Stone.

The Western Union Telegraph Company,

Petitioner,

847 vs.

Katharine F. Lenroot, Chief of the Children's Bureau, United States Department of Labor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Philip Zalkind, Petitioner, vs. Sol Scheinman, Jacob Mandel, Pronto File Corporation, et al.

815

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Illinois Central Railroad Company, Petitioner, vs. Wesley C. Kelley.

819

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James J. Laughlin, Petitioner, vs. Leslie C. Garnett, John W. Pihelly and Allen Baker.

820

On petition for writ of certiorari to the United States Circuit Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Melvin Hyman, as Trustee in Bankruptcy of Joseph Benjamin Lane and Joseph Benjamin Lane,

Petitioners,

830 vs.

R. W. McLendon, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Maceo Thomas,

Petitioner,

831 vs.

State of Kansas.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ira J. McCullough,

Petitioner,

836 vs.

Kammerer Corporation and Brash-Ross Tool Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Claire A. Pekras,
Petitioner,
840 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Pekras,
Petitioner,
841 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied

Per Mr. Chief Justice Stone.

James P. Dovel and James P. Dovel & Company, Inc.,
Petitioners,
842 vs.
Sloss-Sheffield Steel & Iron Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Orange Theatre Corporation, Petitioner,
850 vs.
Harry Brandt, David Weinstock, Benjamin Weinstock, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rowan Cotton Mills Company, Petitioner,
851 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Santly Brothers, Inc., Petitioner,
858 vs.
W. A. Wilkie, Sometimes Known as Bud Wilkie.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paysoff Tinkoff, Individually
and as Assignee of Paysoff
Tinkoff & Co., et al.,

Petitioners,

728 vs.

West Publishing Company and The
American Law Book Company.

ON CONSIDERATION of the motion for leave to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Paysoff Tinkoff, Individually
and as Assignee of Paysoff
Tinkoff & Co., et al.,

Petitioners,

728 vs.

West Publishing Company and The
American Law Book Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Barber,

Petitioner,

740 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Barber,
Petitioner,
740 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jacob Segal,
Petitioner,
834 vs.
The People of the State of New Jersey.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jacob Segal,
Petitioner,
834 vs.
The People of the State of New Jersey.

On petition for writ of certiorari to the Supreme Court of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clarence Bertrand,

Petitioner,

860 vs.

People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clarence Bertrand,

Petitioner,

860 vs.

People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Blaine Chalfonte,

Petitioner,

835 vs.

Herbert A. Smith, Warden, Eastern State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edward Blaine Chalfonte,
Petitioner,
vs.
Herbert A. Smith, Warden, Eastern State Penitentiary.

835 On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Ex parte Mary B. Betz,
Petitioner,

---.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States,
Petitioner,
vs.
Algernon Blair, Individually, etc.

75

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Mitchell,

Petitioner,

561 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Emmet H. Bozel,

Petitioner,

694 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clyde H. Walker,

Petitioner,

724 vs.

P. J. Squier, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jack Berg,

Petitioner,

774 vs.

The People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Abraham S. Ratner,

Appellant,

794 vs.

The People of the State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lonnie E. Smith,

Petitioner,

51 vs.

S. E. Allwright, Election Judge, et al.

A petition for rehearing having been filed in this case by the Attorney General of Texas as amicus curiae,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lonnie E. Smith,

Petitioner,

51 vs.

S. E. Allwright, Election Judge, et al.

A petition for rehearing having been filed in this case by George A. Butler, as Chairman of the State Democratic Executive Committee, et al., as amici curiae,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Patricia R. O'Brien,

Petitioner,

499 vs.

Edwin J. O'Brien, Jr., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Murphy took no part in the consideration or decision of this application.

Milton Prebyl,

Appellant,

1064 O.T. 1942 vs.

The Prudential Insurance Company of America and John S. Callan.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry E. Terrell,

Petitioner,

617 vs.

Dr. M. J. Pescor, Warden, etc.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

O R D E R

The Court will take a recess from today until Monday, May 15, from that day until Monday, May 22, and from that day until Monday, May 29, upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, May 15, next, at 12 o'clock.

MONDAY, MAY 15, 1944.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas, Associate Justices,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Crampton Harris, It is ordered that Leonard G. Muse, Esquire, of Roanoke, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Crampton Harris, It is ordered that Frank W. Rogers, Esquire, of Roanoke, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. R. Poage, It is ordered that Bob N. Massengale, Esquire, of Mayfield, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that J. Henry King, Esquire, of Dallas, State of Texas, and Evelyn Lincoln Archer, of Rockport, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilbur H. Eberly, It is ordered that Max M. Margolis, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Klaus, It is ordered that Martin D. Jacob, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis W. Sullivan, It is ordered that Robert E. Ennis, Esquire, of Capitol Heights, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that Henderson M. Carson, Esquire, of Canton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Doris Rita Williamson, It is ordered that Ruth C. Laubinger, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. John J. Malloy, It is ordered that Donald B. Anderson, Esquire, of Caldwell, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leslie Craig Scholle, It is ordered that Albert C. Mittendorf, Jr., Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond N. Beebe, It is ordered that Alfred J. Cilella, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. Sullivan, It is ordered that William G. McCarthy, Esquire, of Manchester, State of New Hampshire, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Gerard Hartzog, It is ordered that Lawrence E. Irell, Esquire, of Los Angeles, State of California, and Eugene M. Berger, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond S. Springer, It is ordered that Kenneth M. Landis, Esquire, of Logansport, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that Dennis J. Collins, Esquire, of De Kalb, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger Robb, It is ordered that William M. Rains, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Hans Pete Mortensen and Lorraine Mortensen,

Petitioners,

vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

559

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be,

for the District of Nebraska for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Black, Mr. Justice Reed, and Mr. Justice Douglas join.

International Harvester Company and International Harvester Company of America,	Appeal from the Supreme Court of the State of Indiana.
Appellants,	
355 vs.	
Department of Treasury of the State of Indiana, M. Clifford Townsend, Joseph M. Robertson, et al., etc.	

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Jackson.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Rutledge.

The United States of America,	On writ of certiorari to the United
Petitioner,	States Circuit Court of Appeals for
648 vs.	the Tenth Circuit.
D. B. Hellard.	

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Oklahoma for further proceedings in conformity with the opinion of this Court.

Northwest Airlines, Inc., Petitioner,

33 vs.

State of Minnesota.

On writ of certiorari to the Supreme Court of the State of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Black.
Concurring opinion by Mr. Justice Jackson.
Dissenting opinion by Mr. Chief Justice Stone in which Mr. Justice Roberts, Mr. Justice Reed, and Mr. Justice Rutledge join.

Murray B. McLeod, Commissioner of Revenues of the State of Arkansas, Petitioner,

311 vs.

J. E. Dilworth Company and Reichman-Crosby Company.

On writ of certiorari to the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Murphy concur.

Dissenting opinion by Mr. Justice Rutledge.

General Trading Company, a Corporation, Doing Business as Minneapolis Iron Store,

Petitioner,

441 vs.

State Tax Commission of the State of Iowa.

On writ of certiorari to the Supreme Court of the State of Iowa.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Concurring opinion by Mr. Justice Rutledge.
Dissenting opinion by Mr. Justice Jackson in which Mr. Justice Roberts joins.

Bessie P. Douglas,

Petitioner,

130 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the part of the judgment of the Circuit Court of Appeals affirming the decision of the Board of Tax Appeals on the petition of the taxpayer be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

Bessie P. Douglas,

Petitioner,

131 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the part of the judgment of the Circuit Court of Appeals reversing the decision of the Board of Tax Appeals on the petition of the Commissioner of Internal Revenue be, and the same is hereby, affirmed by an equally divided Court; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

Estate of Charles H. Robinson, Northwestern National Bank and Trust Company of Minneapolis, Jessie P. Robinson, et al., etc.,

Petitioners,

132 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

Bernice B. Dalrymple, Petitioner, vs. Commissioner of Internal Revenue. — On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

133

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Reed.

Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Murphy joins.

Hazel-Atlas Glass Company, Petitioner, vs. Hartford-Empire Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

398

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Reed and Mr. Justice Frankfurter join.

Mr. Chief Justice Stone agrees with the result suggested in the dissent of Mr. Justice Roberts.

Shawkee Manufacturing Company, Glenshaw Glass Company, McKee Glass Company and George R. Haub,
Petitioners,
vs.
Hartford-Empire Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

423

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice Reed and Mr. Justice Frankfurter join.

Mr. Chief Justice Stone agrees with the result suggested in the dissent of Mr. Justice Roberts.

Frank L. Huddleston, et al., Board of County Commissioners of Leflore County, Oklahoma, et al., etc.,
Petitioners,
vs.
R. H. Dwyer, T. G. Meister, Brunette Daniels, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

628

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated, petitioners to recover their costs in this Court; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals so that it may reconsider its decision in the light of the decisions and opinions of the Supreme Court of Oklahoma cited and discussed in the opinion of this Court.

Per Mr. Chief Justice Stone.

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

Ex parte Monroe D. Neely,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harold Lewis Browder,

Appellant,

--- vs.

The United States of America.

ON CONSIDERATION of the petition of Harold Lewis Browder for the allowance of an appeal herein,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for want of jurisdiction.

Per Mr. Chief Justice Stone.

R. J. Thomas,

Appellant,

569 vs.

H. W. Collins, Sheriff of Travis County, Texas.

ON CONSIDERATION of the motion of the appellee for leave to file an amended transcript in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

R. J. Thomas,

Appellant,

569 vs.

H. W. Collins, Sheriff of Travis County, Texas.

ON CONSIDERATION of the motion of the appellee for an order requiring appellant to give recognizance in this case,

IT IS ORDERED by the Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward M. Winston,

Petitioner,

786 vs.

Thomas J. Courtney, State's Attorney, County of Cook, etc., et al.

ON CONSIDERATION of the motion of petitioner to extend the time to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including May 29, next.

Per Mr. Chief Justice Stone.

Hartford-Empire Company, et al.,

Appellants,

7 vs.

The United States of America;

Corning Glass Works, et al.,

Appellants,

8 vs.

The United States of America;

Owens-Illinois Glass Company, et al.,

Appellants,

9 vs.

The United States of America;

Hazel-Atlas Glass Company, et al.,

Appellants,

vs.

The United States of America;

Thatcher Manufacturing Company, et al.,

Appellants,

vs.

The United States of America;

Lynch Corporation, et al.,

Appellants,

vs.

The United States of America;

Ball Brothers Company, et al.,

Appellants,

vs.

The United States of America;

Glass Container Association of America, Inc., et al.,

Appellants,

vs.

The United States of America;

Isaac J. Collins,

Appellant,

vs.

The United States of America; and

T. C. Fulton, et al.,

Appellants,

vs.

The United States of America.

These cases are restored to the docket and assigned for reargument during the first week of argument in the October Term, 1944.

The Court does not desire further argument concerning the District Court's findings of violation of the Sherman Act and the Clayton Act.

The Court desires further argument respecting the propriety of the terms and provisions of the interlocutory decree and the final decree entered by the District Court, as those provisions apply to the corporate and individual appellants respectively.

It will aid the Court if counsel will specify the numbered paragraphs of the decree to which each appellant, corporate or individual, objects; and if objections common to several defendants are jointly briefed and argued.

Per Mr. Chief Justice Stone.

Stella Barber, Petitioner, vs. B. George Barber. — Order allowing certiorari.

857

The petition herein for a writ of certiorari to the Supreme Court of the State of Tennessee is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Dow Chemical Company, Petitioner, vs. Halliburton Oil Well Cementing Company. — Order allowing certiorari.

855

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Halliburton Oil Well Cementing Company,

Petitioner,

895 vs.

The Dow Chemical Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Wilbur K. Keegan,

Petitioner,

785 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Wilbur V. Keegan,

Petitioner,

785 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Gerhard Wilhelm Kunze, August Klapprott, Gustav Elmer, et al.,

Petitioners,

821 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Gerhard Wilhelm Kunze, August Klapprott, Gustav Elmer, et al., — Order allowing certiorari.

Petitioners,

821 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Arch S. Rhodes,

Petitioner,

838 vs.

The Federal Land Bank of St. Paul and Federal Farm Mortgage Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had , it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Petitioner,

839 vs.

Plymouth Manufacturing Corp., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lynbrook Gardens, Inc.,

Petitioner,

848 vs.

Bernard C. Ullman.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. J. Bowman and James S. Bowman, D. B. A. Bowman Realty Company,

Petitioner,

849 vs.

Chester Bowles, Price Administrator.

On petition for writ of certiorari to the United States Emergency Court of Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Emergency Court of Appeals, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul J. Bellavance,
Petitioner,
853 vs.
Frank Morrow Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

H. Highfill and Valley Credit Company,
Petitioners,
877 vs.
Lulu J. Dilatush.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George E. Sullivan,
Petitioner,
888 vs.
Eugene Meyer.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Helen Van Zile Anthony and William D. Smith,

Petitioners,

893 vs.

United States Trust Company of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Dental Products Company, Inc.,

Petitioner,

924 vs.

Arthur E. Smith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond E. Beegle, Doing Business as Beegle Tie Service Company,

Petitioner,

817 vs.

Charles M. Thomson, as Trustee for Chicago and North Western Railway Company, and Sharon Steel Corporation.

ON CONSIDERATION of the motion and stipulation to substitute Claude A. Roth, as a party respondent in this case in the place and stead of Charles M. Thomson, deceased,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and that the case be so continued and maintained.

Per Mr. Chief Justice Stone.

Raymond E. Beegle, Doing Business as Beegle Tie Service Company,

Petitioner,

817 vs.

Claude A. Roth, as Trustee for Chicago and North Western Railway Company, and Sharon Steel Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Steve Ruzon,

Petitioner,

946 vs.

James V. Bartley, Judge, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Steve Ruzon,

Petitioner,

946 vs.

James V. Bartley, Judge, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Pappas,

Petitioner,

968 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Pappas,

Petitioner,

968 vs.

Joseph E. Ragen, Warden of the Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hilliard Sanders,

Petitioner,

734 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Hilliard Sanders,

Petitioner,

734 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter McDonald,

Petitioner,

658 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Alfred Fenton,

Petitioner,

764 vs.

L. Metcalfe Walling, Administrator, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Russell G. Smith,

Petitioner,

765 vs.

L. Metcalfe Walling, Administrator, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the saidpetition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Claud Nivens,

Petitioner,

606 vs.

The United States of America.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, May 22, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Daniel Miller, Esquire, of Stamford, State of Connecticut; David R. Bockstaver, Esquire, of East Hampton, State of New York, and Norman Brand, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis E. Walter, It is ordered that Samuel Bakin Shull, Esquire, of Stroudsburg, Commonwealth of Pennsylvania, and Joseph M. Shull, Esquire, of Stroudsburg, Commonwealth of Pennsylvania, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion T. Bennett, It is ordered that William C. Cole, Esquire, of Saint Joseph, State of Missouri; Earl W. Mounce, Esquire, of Saint Joseph, State of Missouri, and William P. Elmer, Esquire, of Salem, State of Missouri, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that Ignatius Donnelly Conroy, Esquire, of

Los Angeles, State of California, and George W. Robinson, Esquire, of Merced, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brooks Hays, It is ordered that Ray E. Barrickman, Esquire, of Pine Bluff, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Warden L. Noe, Esquire, of Holton, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. A. Van Orsdel, It is ordered that John M. Bradley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henderson M. Carson, It is ordered that Lawrence W. Renner, Esquire, of East Canton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Noble J. Johnson, It is ordered that Robert Hollowell, Jr., Esquire, of Danville, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wall Doxey, It is ordered that Ernest Edward Demetatis, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Arnold, It is ordered that Harold C. Wilkenfeld, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Will Shafroth, It is ordered that Curtis C. Shears, Esquire, of New York, State of New York, and Robert M. Dulin, Esquire, of Beverly Hills, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald M. McLean, It is ordered that Joseph Victor Juraszek, Esquire, of Elizabeth, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Davis, It is ordered that Robert D. Mackenzie, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Martha Robbins Gold, It is ordered that Adelaide G. Selp. of Springfield, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court. and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Miss Madge Lee Guard, It is ordered that Fae Schaller, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that K. Monfried Otto, Esquire, of Cincinnati, State of Ohio, and Herbert W. Kiser, Esquire, of Cleveland, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that William F. Young, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Houston, It is ordered that George Stone, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and

On motion first made to the Court in this behalf by Mr. James E. McCabe, It is ordered that W. Homer Turner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel Partridge, III, It is ordered that Wm. A. Onderdonk, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that Abraham Frankel, Esquire, of Asbury Park, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman Fischer, It is ordered that A. Walter Socolow, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Rigby, It is ordered that Jerome J. Dunn, Esquire, of Ridgewood, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Irene Kuchinskas, It is ordered that Ernest W. Goodrich, Esquire, of Surry, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron H. Wilson, It is ordered that Orson L. St. John, Esquire, of Greenwich, State of Connecticut, and John L. Culler, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Miss Helen Rembert Carloss, It is ordered that Grace Brown Stiles, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward G. Kemp, It is ordered that Kenneth Dobson Miller, Esquire, of Springfield, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that Stewart Holmes, Esquire, of Cedar Rapids, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. O'Connell, It is ordered that George Curtis Peck, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest W. Gibson, Jr., It is ordered that F. Gilman Spencer, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Maurice P. Murphy, It is ordered that Ferd J. Frankenhoff, Esquire, of Saint Joseph, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Lee Arenas, Petitioner, vs. The United States of America. 463

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with

Crites, Incorporated, Petitioner, vs. Prudential Insurance Company of America, Richard Simkins, George Florence.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

317

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Murphy.

Dissenting opinion by Mr. Justice Roberts.

L. P. Steuart & Bro., Inc., Petitioner, vs. Chester Bowles, Administrator, Office of Price Administration, et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

793

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Douglas.

Dissenting: Mr. Justice Roberts.

Kenneth M. Keefe and Wallace D. Bradford,

Appellants,

634 vs.

Earl L. Clark, Drain Commissioner of Oakland County, Michigan, and Board of Supervisors of Oakland County, City of Royal Oak, Intervenor.

Appeal from the Supreme Court of the State of Michigan.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Black.

Mr. Justice Roberts concurs in the result.
Mr. Justice Murphy took no part in the consideration or decision of this case.

The United States of America,

Appellant,

716 vs.

Clyde Saylor, J. Henderson Brock, Jess Blanton Saylor, and Alonzo Wilson.

Appeal from the District Court of the United States for the Eastern District of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Kentucky, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Reed concur.

The United States of America, Appellant, vs. Clarence Poer, Sidney Solomon Pope, Odell James Shepherd and Verlin Fee. — Appeal from the District Court of the United States for the Eastern District of Kentucky.

717

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Kentucky, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Reed concur.

Columbia Gas & Electric Corporation, Appellant, vs. American Fuel and Power Company, etc., Inland Gas Corporation, Kentucky Fuel Gas Corporation, et al. — Appeal from the District Court of the United States for the Eastern District of Kentucky.

814

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Kentucky, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

The Chief Justice announced the following orders of the Court:

- - - - - - - - - - -

Rock Island Refining Company, Appellant, vs. Oklahoma Tax Commission. 942

Appeal from the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

State of Texas, ex rel. The City of West University Place, et al., Appellants, vs. The City of Houston, et al. 943

Appeal from the Supreme Court of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Texas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - -

Rolls-Royce, Inc.,

Petitioner,

vs.

Henry L. Stimson, Secretary of War.

ON CONSIDERATION of the motion for leave to file a petition for writ of prohibition or mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Sylvan Blumenfeld,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Raymond Decker,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John H. Rooney,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Ex parte Louis B. Ames,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

People of the United States,
ex rel. Henry Townsend,

Petitioner,

--- vs.

Joseph E. Ragen, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Garfield J. Kelley,

Petitioner,

--- vs.

Alfred F. Dowd, Warden.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Anthony Cramer,

Petitioner,

406 vs.

The United States of America.

This case is restored to the docket and assigned for reargument during the first week of argument in the October Term, 1944.

The Court does not desire further argument on the admissibility of evidence or as to the effect of error, if any, in admitting evidence.

Further briefs and argument are desired as to the questions raised under the treason clause of the Constitution, particularly as to the meaning of "treason" and of "overt act" and as to the requirement that such overt acts be proved by testimony of two witnesses; also as to whether each overt act submitted to the jury complied with constitutional requirements.

Per Mr. Chief Justice Stone.

Roscoe A. Coffman,

Appellant,

939 vs.

Breeze Corporations, Inc., and
The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Stone.

The City of Cleveland,

Appellant,

929 vs.

The United States of America,
et al.; and

John J. Boyle, County Treasurer
of Cuyahoga County, et al.,

Appellants,

930 vs.

The United States of America, et al.

The statements of jurisdiction in these cases having been

of the jurisdiction of this Court is postponed to the hearing of the cases on the merits.

Counsel are requested to discuss in their briefs and on oral argument the questions (1) whether sec. 266 of the Judicial Code is properly applicable to these cases so as to give this Court jurisdiction of the appeals (compare, e. g., Ex parte Public National Bank, 278 U. S. 96, and Rorick v. Commissioners, 307 U. S. 208, with Spielman Motor Sales Co. v. Dodge, 295 U. S. 89); and (2) whether the land in controversy would be taxable even if the Federal Housing Act of 1937 were unconstitutional.

Per Mr. Chief Justice Stone.

Claridge Apartments Company,

Petitioner,

701 vs.

Commissioner of Internal Revenue;
and

Claridge Apartments Company,

Petitioner,

702 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion for leave to withdraw the appearances of Jesse Andrews and Cornelius E. Lombardi as counsel for petitioner in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clyde H. Walker,

Petitioner,

724 vs.

P. J. Squier, Warden, United States Penitentiary, McNeil Island, Washington.

ON CONSIDERATION of the motion to extend the time within which to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including September 1, 1944.

Per Mr. Chief Justice Stone.

Willard Irwin Singer and Martin H. Singer,

Petitioners,

708 vs.

The United States of America.

Order allowing certiorari.

The order denying certiorari is vacated and the petition for writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit is granted limited to the second question presented by the petition. The case is transferred to the summary docket and assigned for argument immediately following the hearing of Nos. 785 and 821.

It is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Pacific Gas and Electric Company,

Petitioner,

873 vs.

Securities and Exchange Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Spector Motor Service, Inc.,

Petitioner,

905 vs.

Charles J. McLaughlin, Tax Commissioner, Walter W. Walsh, Substitute Defendant.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

J. D. Collins,
Petitioner,
856 vs.
W. R. Wayland, Jane Wayland, Fred G. Holmes, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

New England Mutual Life Insurance Company,
Petitioner,
876 vs.
Ruth Cohen, Personally and as Administratrix with the Will Annexed of the Estate of Benjamin E. Cohen, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Herman H. Grieme,
Petitioner,
883 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. William Henry Lohrberg, Sr.,
Petitioner,
884 vs.
Claude O. Nicholson, Warden, and Francis Biddle, Attorney General.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Ralph Falbo, Sr.,
Petitioner,
885 vs.
M. L. Kennedy, Superintendent, and Francis Biddle, Attorney General.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Milburn Clayton,
Petitioner,
886 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Thomas Howard Stull, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

887

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lenore S. Robinette, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

889

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter Judson Lundgren, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

894

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry I. Warden, Petitioner, vs. City of St. Louis, Missouri. 897

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Walter Scott Watson, Petitioner, vs. Massachusetts Mutual Life Insurance Company. 906

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth Nicoll Watson, Petitioner, vs. Massachusetts Mutual Life Insurance Company. 907

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Lawley & Son Corporation,
Petitioner,
908 vs.
Charles J. South.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Phoenix-El Paso Express, Inc.,
Petitioner,
909 vs.
National Carloading Corporation.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chicago & Eastern Illinois Railroad Company and Wabash Railroad Company,
Petitioners,
911 vs.
Grand Trunk Western Railroad Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chicago & Eastern Illinois Railroad Company and Wabash Railroad Company,

Petitioners,

912 vs.

Grand Trunk Western Railroad Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chicago & Eastern Illinois Railroad Company and Wabash Railroad Company,

Petitioners,

913 vs.

Grand Trunk Western Railroad Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Berkshire Knitting Mills,

Petitioner,

916 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The City of New York,
Petitioner,
921 vs.
Brooklyn Eastern District Terminal.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

W. E. Valliant Co., Inc.,
Petitioner,
938 vs.
Rayonier, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the saidpetition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Foy O. Wilemon and Amos E. Wilemon, Doing Business Under the Trade Name of Good Luck Oil Company, a Partnership,
Petitioners,
854 vs.
Chester Bowles, Administrator, Office of Price Administration, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur Lee Flynn,

Petitioner,

654 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Arthur Lee Flynn,

Petitioner,

654 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Phillips,

Petitioner,

828 vs.

The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Phillips,
Petitioner,
828 vs.
The People of the State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Richard Bayless,
Petitioner,
910 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Richard Bayless,
Petitioner,
910 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

William Tekson,

Petitioner,

978 vs.

The State of Michigan.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

William Tekson,

Petitioner,

978 vs.

The State of Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Page,

Petitioner,

979 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Page,

Petitioner,

979 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edwin Lyons,

Petitioner,

980 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edwin Lyons,

Petitioner,

980 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mario Vinci,

Petitioner,

981 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mario Vinci,

Petitioner,

981 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Corinne C. Waterman,

Petitioner,

984 vs.

Lillie B. McMillan and Harry S. Wender.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Corinne C. Waterman,
Petitioner,
984 vs.
Lillie B. McMillan and Harry S. Wender.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frederick P. Haines,
Petitioner,
994 vs.
The State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Frederick P. Haines,
Petitioner,
994 vs.
The State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edmond C. Fletcher,

Petitioner,

861 vs.

A. Esther Wool and Joseph C. Wool,
Administrator of the Estate of
Theodore J. Wool, Deceased.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher, Petitioner, 861 vs. A. Esther Wool and Joseph C. Wool, Administrator of the Estate of Theodore J. Wool, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher,

Petitioner,

862 vs.

Willard R. Cook & Company, Inc.
and Cook Realty Corporation.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Mr. Chief Justice Stone.

Edmond C. Fletcher,
Petitioner,
862 vs.
Willard R. Cook & Company, Inc. and Cook Realty Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher,
Petitioner,
863 vs.
D. H. Goodman, Incorporated.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher,
Petitioner,
863 vs.
D. H. Goodman, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher,

Petitioner,

864 vs.

A. E. Krise, Receiver for the Fidelity Land and Investment Corporation, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher,

Petitioner,

864 vs.

A. E. Krise, Receiver for the Fidelity Land and Investment Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher,

Petitioner,

865 vs.

Kate R. Barron, as an Individual, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the

Edmond C. Fletcher, Petitioner, vs. Kate R. Barron, as an Individual, et al.

865 On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher, Petitioner, vs. National Bank of Commerce of Norfolk.

866

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher, Petitioner, vs. National Bank of Commerce of Norfolk.

866 On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher,

Petitioner,

867 vs.

National Bank of Commerce of Norfolk, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher,

Petitioner,

867 vs.

National Bank of Commerce of Norfolk, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher,

Petitioner,

868 vs.

William C. Maupin.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

Edmond C. Fletcher,
Petitioner,
868 vs.
William G. Maupin.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson and Mr. Justice Rutledge took no part in the consideration or decision of this application.

The United States of America, ex rel. Gene McCann,
Petitioner,
931 vs.
E. E. Thompson, Warden of the United States Detention Headquarters, etc., et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Gene McCann,
Petitioner,
931 vs.
E. E. Thompson, Warden of the United States Detention Headquarters, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,
ex rel. Gene McCann,

Petitioner,

931 vs.

E. E. Thompson, Warden of the United States Detention Headquarters, etc., et al.

ON CONSIDERATION of the (1) motion for leave to file a petition for writ of mandamus; (2) motion for appointment of counsel; (3) motion for release of McCann on his own recognizance pending further proceedings; (4) motion to compel lower court to certify certain papers; and (5) motion to be present to argue on petition for writ of certiorari and petition for writ of mandamus,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Stanley B. Peplowski,

Petitioner,

——.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

336 vs.

Hearst Publications, Incorporated.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

337 vs.

Stockholders Publishing Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

338 vs.

Hearst Publications, Incorporated.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Labor Relations Board,

Petitioner,

339 vs.

The Times-Mirror Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Telfian,

Petitioner,

771 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Long,

Petitioner,

822 vs.

Ralph E. Benson.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nick Falbo,

Petitioner,

73 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Nick Falbo,

Petitioner,

73 vs.

The United States of America.

ON CONSIDERATION of the motion to recall the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nick Falbo,

Petitioner,

73 vs.

The United States of America.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that

Wildon Lloyd,

Petitioner,

335 vs.

United States Fidelity & Guaranty Company.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fred Schroepfer, Charles R. Schroepfer, and Abraham Berry,

Petitioners,

545 vs.

The A. S. Abell Company, Inc.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Fred Schroepfer, Charles R. Schroepfer, and Abraham Berry,

Petitioners,

545 vs.

The A. S. Abell Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond W. Nichols,

Petitioner,

703 vs.

The United States Circuit Court
of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Raymond W. Nichols,

Petitioner,

703 vs.

The United States Circuit Court
of Appeals for the Seventh Circuit.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Huber and Frank Huber, Petitioners, On petition for writ of certiorari

896 vs. to the United States Circuit Court

M. T. Moran. of Appeals for the Eighth Circuit.

It appearing to the Court that counsel for the petitioners have filed a motion to dismiss the petition for writ of certiorari in this case,

THEREFORE, in pursuance of said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

Walter Bachrach, as Trustee in Bankruptcy of Commonwealth Light and Power Company,

Petitioner,

967 vs.

Central Hanover Bank & Trust Company, as Trustee, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

It appearing to the Court that counsel for the petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

THEREFORE, in pursuance of said motion, it is ordered by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, May 29, next,

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Owen J. Roberts,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge. Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John E. Walker, It is ordered that Wendell W. Black, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that George Peyton Robinson, Esquire, of Lewisville, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter F. George, It is ordered that B. Frank Whelchel, Esquire, of Gainesville, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Palmer Jeffrey, It is ordered that John P. Maas, Esquire, of Dayton, State of Ohio; John M. Sprigg, Esquire, of Dayton, State of Ohio, and Ralph A. Argabright, Esquire, of Dayton, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that Boyd R. Laughlin, Esquire, of Midland, State of Texas, and Jefferson G. Smith, Esquire, of Austin, State of Texas, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that Herbert G. B. King, Esquire, of Chattanooga, State of Tennessee, and Cardinal Woolsey, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Noble J. Johnson, It is ordered that Frank P. Walters, Esquire, of Terre Haute, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lauson H. Stone, It is ordered that Samuel R. Feller, Esquire, of New York, State of New York; Franklin B. Lincoln, Jr., Esquire, of New York, State of New York, and Stanton T. Lawrence, Esquire, of Rutherford, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ivan Robinette, It is ordered that Lowell Franklin Hammand, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Mabel Walker Willebrandt, It is ordered that George Edward Lindelof, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that Harmon L. Watkins, Esquire, of Dallas, State of Texas; Gabriel Hawkins Golden, Esquire, of Dallas, State of Texas; Joel Manuel Hoppenstein, Esquire, of Dallas, State of Texas, and John Meredith Davenport, Esquire, of San Angelo, State of Texas, be admitted to practice

On motion first made to the Court in this behalf by Mr. Walter W. Ahrens, It is ordered that James Lloyd Derby, Esquire, of New York, State of New York, and J. Seymour Montgomery, Jr., Esquire, of Princeton, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander M. Heron, It is ordered that George Arthur Blanchet, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley W. Coulliette, It is ordered that Hoke Murray, Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham Chasanow, It is ordered that Samuel Myron Gurevitz, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham Chasanow, It is ordered that Paul Gordon, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen J. McMahon, It is ordered that John Melvin Dickerman, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Piel, Jr., It is ordered that Frank J. Berberich, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert C. Ayers, It is ordered that Viva Norma Hunt, of Fair Play, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and she

On motion first made to the Court in this behalf by Mr. Maurice W. Acers, It is ordered that Ralph H. Winton, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nat B. King, It is ordered that Thomas C. Mann, Esquire, of Laredo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norris J. Burke, It is ordered that Carl R. Schulz, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John N. Bradley, It is ordered that Frederick W. Nixon, Esquire, of Newark, State of New Jersey, and Thomas Glynn Walker, Esquire, of Newark, State of New Jersey, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Cecil Kilpatrick, It is ordered that Bernard A. Monaghan, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. P. Gore, It is ordered that John Roy Thompson, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur L. Winn, Jr., It is ordered that Herbert A. Baker, Esquire, of Boston, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Robert Whittier Dudley, Esquire, of Hanover, State of New Hampshire, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey B. Cox, It is ordered that William Alfred Hall, Jr., Esquire, of Richmond, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lemuel Campbell Bryan, It is ordered that Robert Davis Powers, Jr., Esquire, of Portsmouth, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Spurgeon Avakian, It is ordered that John Wickson Thomas, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarkson A. Cranmer, It is ordered that John M. Pasoli, Esquire, of Raritan, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James K. Knudson, It is ordered that John S. Griffin, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles J. Isber, It is ordered that I. Arnold Ross, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Campbell Stickley, II, It is ordered that Jonathan Foster Hagan, Esquire, of Arlington, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren E. Miller, It is ordered that Kellam Foster, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jules Gilmer Korner, Jr., It is ordered that Stanley Worth, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur L. Winn, Jr., It is ordered that Vincent W. Gallagher, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Kammerman, It is ordered that Foster K. Sistare, Esquire, of New London, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Grace Brown Stiles, It is ordered that James H. Price, Esquire, of Greenville, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward R. Burke, It is ordered that George Richardson, Jr., Esquire, of Bluefield, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George L. Quinn, Jr., It is ordered that Frank M. McDonald, Esquire, of Scranton, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. MacKavanagh, It is ordered that Edward T. Connors, Esquire, of Mount Vernon, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stewart L. Whitman, It is ordered that James C. Logan, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. E. Jaeger, It is ordered that George Robertie, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James R. Kirkland, It is ordered that Alexander Jamison, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Walker, It is ordered that John Howard Payne, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rowland Edwards, It is ordered that John Todd Stuart, Esquire, of Jamaica, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel H. Kunkel, It is ordered that Henry J. Vinskey, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that R. Curtis McBroom, Esquire, of Fort Worth, State of Texas; John W. Andrews, Esquire, of New York, State of New York, and Harold Brown, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

- - - - - - - - - - -

Wisconsin Gas and Electric Company,

Petitioner,

565 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Wisconsin.

Per Mr. Justice Rutledge.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Jackson.

The Interstate Commerce Commission and Hudson & Manhattan Railroad Company,

Appellants,

767 vs.

The City of Jersey City, Fred M. Vinson, Economic Stabilization Director by Chester Bowles, Price Administrator.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed.

It is further ordered that appellant Hudson & Manhattan Railroad Company recover from appellee City of Jersey City its costs in this Court

It is further ordered that this cause be, and the same is hereby, remanded to the said District Court for proceedings in conformity with the opinion of this Court.

Per Mr. Justice Jackson.

Mr. Justice Black took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Rutledge.

Samuel Feldman, Petitioner, vs. The United States of America. 193

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Frankfurter.

Mr. Justice Murphy and Mr. Justice Jackson took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Rutledge join.

Universal Oil Products Company, Petitioner, vs. Globe Oil & Refining Company. 392

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Reed.

International Harvester Company, Appellant, vs. Wisconsin Department of Taxation. — Appeal from the Supreme Court of the State of Wisconsin.

620

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Jackson.

Minnesota Mining and Manufacturing Company, Appellant, vs. Wisconsin Department of Taxation. — Appeal from the Supreme Court of the State of Wisconsin.

621

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Jackson.

Carlos M. De Castro,
Petitioner,
349 vs.
Board of Commissioners of San Juan.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of Puerto Rico.

Per Mr. Chief Justice Stone.

Mario Mercado E. Hijos,
Petitioner,
497 vs.
Elvira Olivieri Commins, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of Puerto Rico.

Per Mr. Chief Justice Stone.

- - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - -

O. Charles Ericksen,
Appellant,
977 vs.
John Morrell & Company.

Appeal from the Circuit Court of Minnehaha County, State of South Dakota.

THIS CAUSE came on to be heard on the transcript of the record from the Circuit Court of Minnehaha County, State of South Dakota, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Stone.

William H. A. Weber,
Appellant,
992 vs.
Mildred L. Henderson, et al., Executrices of the Estate of Charles W. Littlefield, Deceased, et al.

Appeal from the Circuit Court in and for the County of Essex, State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Circuit Court in and for the County of Essex, State of New Jersey, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Stone.

Carlo Karloftis, et al., Appellants,

vs.

James S. Helton, etc., et al.

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

982

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Carlo Karloftis, et al., Appellants,

vs.

James S. Helton, etc., et al.

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

982

TREATING the appeal papers herein from the Court of Appeals of the Commonwealth of Kentucky as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Margaret Clarke, Administratrix of the Estate of Samuel R. B. Clarke, Deceased, Appellant,

vs.

Simon Storchak.

Appeal from the Supreme Court of the State of Illinois.

1004

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Justice Stone.

- - - - - - - - - - .

Ex parte James Gallagher,

Petitioner,

---.

ON CONSIDERATION of the application submitted herein by James Gallagher,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Alice M. Betts,

Petitioner,

---.

ON CONSIDERATION of the application submitted herein by Alice M. Betts,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Charles Howerton,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Walker Kimler,

Petitioner,

—.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Bulldog Electric Products Company,

Petitioner,

— vs.

Hon. Clarence G. Galston, Judge.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nathan Boyd,

Petitioner,

— vs.

Dr. Magruder MacDonald.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Nathan Boyd,

Petitioner,

—— vs.

Edward M. Curran.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Carl Mingione,

Petitioner,

——.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Daisy D. Wilson,

Petitioner,

——.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Katherine Kirkpatrick Abbott,
Administratrix, etc., et al.,

Petitioners,

—— vs.

Honorable Mac Swinford, Judge of
the District Court of the United States
for the Western District of Kentucky.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The State of Illinois,

Complainant,

11, Original vs.

The State of Indiana, et al.

ON CONSIDERATION of the motion of American Maize Products Company for leave to intervene and to file answer and cross-claim in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted with leave to any of the parties to reply and without prejudice to any order or motion to dismiss or strike any part of the intervenor's answer and cross-claim.

Per Mr. Chief Justice Stone.

Rufus Meshberger and Lelia B.
Meshberger,

Petitioners,

754 vs.

The Federal Land Bank of Louisville,
Kentucky; and

J. S. Garlington and Jennie Lou
Garlington,

Petitioners,

798 vs.

A. L. Wasson.

ON CONSIDERATION of the motions that the Court state its

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Roscoe A. Coffman,

Appellant,

939 vs.

Breeze Corporations, Inc., and
The United States of America.

ON CONSIDERATION of the petition for a temporary injunction herein referred to the conference of the Court by Mr. Justice Roberts,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Northwestern Bands of Shoshone Indians, Order allowing certiorari.

Petitioners,

915 vs.

The United States.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The Wallace Corporation, Order allowing certiorari.

Petitioner,

927 vs.

National Labor Relations Board.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Richwood Clothespin & Dish Worker's Union,

Petitioner,

928 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Ford Motor Company,

Petitioner,

958 vs.

Department of Treasury of the State of Indiana, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Tom Tunstall,

Petitioner,

779 vs.

Brotherhood of Locomotive Firemen and Enginemen, Ocean Lodge No. 76, Port Norfolk Lodge No. 775, et al.

Order allowing certiorari

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Bester William Steele, Petitioner, Order allowing certiorari.

826 vs.

Louisville & Nashville Railroad Company, Brotherhood of Locomotive Firemen & Enginemen, et al.

The petition herein for a writ of certiorari to the Supreme Court of the State of Alabama is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue, Petitioner, Order allowing certiorari.

869 vs.

The Scottish American Investment Company, Ltd.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue, Petitioner, Order allowing certiorari.

870 vs.

British Assets Trust, Limited.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Commissioner of Internal Revenue, Petitioner, vs. Second British Assets Trust, Limited. — Order allowing certiorari.

871

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. Waddill, Holland & Flinn, Inc., et al. — Order allowing certiorari.

925

The petition herein for a writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia is granted and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States of America, Petitioner, vs. General Motors Corporation. — Order allowing certiorari.

962

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Roberts.

Armour & Company, Order allowing certiorari.

Petitioner,

955 vs.

Adam Wantock and Frank Smith.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is transferred to the summary docket and assigned for argument immediately following No. 218, Skidmore vs. Swift & Company. The Solicitor General is invited to file a brief amicus curiae if he is so advised.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Jim Skidmore, et al., Order allowing certiorari.

Petitioners,

218 vs.

Swift & Company.

The order denying certiorari is vacated and the petition for writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit is granted and the case is transferred to the summary docket. The Solicitor General is invited to file a brief amicus curiae if he is so advised.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

D. D. Dennis, et al., On petition for writ of certiorari

Petitioners, to the United States Circuit Court

892 vs. of Appeals for the Fifth Circuit.

J. E. Mabee, et al.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

The Pennzoil Company, a Corporation of California, et al.,

Petitioners,

914 vs.

Crown Central Petroleum Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Welsbach Engineering and Management Corporation,

Petitioner,

923 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Louis Jacobs,

Petitioner,

926 vs.

John J. Barc, United States Marshal for the Eastern District of Michigan.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Western Union Telegraph Company, Petitioner, vs. Commissioner of Internal Revenue. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

933

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hartford Fire Insurance Company, Petitioner, vs. Commissioner of Internal Revenue. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

975

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Emporium Capwell Company, Petitioner, vs. Clifford C. Anglim, Collector of Internal Revenue. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

934

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Miles Laboratories, Inc., Petitioner,

935 vs.

Federal Trade Commission, etc., et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Estate of John W. Herbert, Deceased, Central Hanover Bank and Trust Company, et al., Executors, Petitioners,

937 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Country Garden Market, Inc., Petitioner,

945 vs.

Chester Bowles, Administrator, Office of Price Administration, et al.

On petition for writ of certiorari td the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Archie C. Davis,

Petitioner,

947 vs.

Shell Union Oil Corporation, Asiatic Petroleum Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Frank Schwarz, per se as Agent and for the Use and Benefit of Wm. Kotek and Wm. Meroshek,

Petitioner,

951 vs.

Witwer Grocer Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James N. Roney and Marguerite C. Roney,

Petitioners,

954 vs.

The Federal Land Bank of Louisville, Kentucky.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Standard Knitting Mills, Inc.,
Petitioner,
960 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

First National Bank in West Union, West Virginia,
Petitioner,
964 vs.
American Surety Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Warner's Renowned Remedies Company,
Petitioner,
966 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Richter's Bakery,

Petitioner,

970 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

National Bank of Middleboro and H. C. Williams, Successor Assignee, etc.,

Petitioners,

971 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Louisville Property Company, H. C. Williams, Assignee,

Petitioner,

972 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Basil Goulandris, et al., Doing Business as Goulandris Bros.,

Petitioners,

974 vs.

The American Tobacco Company, R. J. Reynolds Tobacco Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hideyoshi Nagayama,

Petitioner,

997 vs.

Shokuwan Shimabukuro.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James M. Crume,

Petitioner,

953 vs.

Pacific Mutual Life Insurance Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. S. W. C. Lumpkin,
Petitioner,
956 vs.
Wm. P. Bowers, Collector of Internal Revenue for the State of South Carolina.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John J. Batterman,
Petitioner,
963 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Local No. 6167, United Mine Workers of America, an Unincorporated Association Affiliated with the International Union, United Mine Workers of America, et al.,
Petitioners,
969 vs.
Jewell Ridge Coal Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Max Geldzahler,

Petitioner,

989 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America, ex rel. Winfred William Lynn,

Petitioner,

941 vs.

Colonel John W. Downer, Commanding Officer at Camp Upton, New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied on the ground that the cause is moot, it appearing that petitioner no longer is in respondent's custody.

Per Mr. Chief Justice Stone.

Otto Gresham,

Petitioner,

950 vs.

The Indiana State Bar Association.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Otto Gresham,
Petitioner,
950 vs.
The Indiana Bar Association.

On petition for writ of certiorari to the District Court of the United States for the Southern District of Indiana.

ON CONSIDERATION of the petition for writ of certiorari or for other relief herein, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The United States of America,
Petitioner,
949 vs.
Los Angeles and Salt Lake Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Jackson took no part in the consideration or decision of this application.

Albert Kitzmiller,
Petitioner,
844 vs.
Dr. M. J. Pescor, Warden, Medical Center for Federal Prisoners, Springfield, Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert Kitzmiller,

Petitioner,

844 vs.

Dr. M. J. Pescor, Warden, Medical Center for Federal Prisoners, Springfield, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Howard M. Sharpe,

Petitioner,

985 vs.

Commonwealth of Kentucky.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Howard M. Sharpe,

Petitioner,

985 vs.

Commonwealth of Kentucky.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Eugene Briggs,

Petitioner,

1001 vs.

The State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Eugene Briggs,

Petitioner,

1001 vs.

The State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

John Thompson,

Petitioner,

1006 vs.

Walter Miersheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Thompson,

Petitioner,

1006 vs.

Walter Miersheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Robert Moss,

Petitioner,

1007 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Robert Moss,

Petitioner,

1007 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Gusta Kelly,

Petitioner,

1014 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Gusta Kelly,

Petitioner,

1014 vs.

The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles E. Raggio,

Petitioner,

1015 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles E. Raggio,

Petitioner,

1015 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Earlie Sampson,

Petitioner,

1016 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Earlie Sampson,

Petitioner,

1016 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein tc the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

O. C. Tomkins,

Petitioner,

922 vs.

The State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

O. C. Tomkins,

Petitioner,

922 vs.

The State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone

Noah P. Rico and Victor H. Hollmann,

Petitioners,

1021 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Noah P. Rico and Victor H. Hollmann,

Petitioners,

1021 vs.

The People of the State of California.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 4th Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 4th Appellate District, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Floyd J. Kesling,

Petitioner,

742 vs.

George W. Humphrey, Warden.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Floyd J. Kesling,

Petitioner,

742 vs.

George W. Humphrey, Warden.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied on the ground that the cause is moot, it appearing that petitioner no longer is in respondent's custody.

Per Mr. Chief Justice Stone.

Vern Miller,

Petitioner,

1017 vs.

Alfred F. Dowd, Warden, Indiana State Prison.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Vern Miller,

Petitioner,

1017 vs.

Alfred F. Dowd, Warden, Indiana State Prison.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied without prejudice to the presentation of a petition for writ of habeas corpus and to a hearing thereon in the appropriate United States District Court.

Per Mr. Chief Justice Stone.

Wm. H. Fitzpatrick,

Petitioner,

948 vs.

W. Niersheimer, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Wm. H. Pitzpatrick,
Petitioner,
948 vs.
W. Nierstheimer, Warden, etc.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Blaine Chalfonte,
Petitioner,
835 vs.
Herbert A. Smith, Warden, Eastern State Penitentiary.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

A petition for rehearing having been submitted to the Court in this case,

UPON CONSIDERATION WHEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order of May 8, 1944, denying certiorari on the ground that application therefor was not made within the time provided by law, be, and the same is hereby, vacated.

AND IT IS FURTHER ORDERED that the petition for certiorari herein be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Niagara Hudson Power Corporation,
Petitioner,
871 vs.
James J. Hoey, Collector of Internal Revenue.

ON CONSIDERATION of the motion for an extension of time within which to apply for a rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Kenneth J. Nelson,

Petitioner,

744 vs.

Bert C. Webb, Superintendent of Washington State Penitentiary.

ON CONSIDERATION of the motion to extend the time to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including September 1st, next.

Per Mr. Chief Justice Stone.

The United States of America,

Petitioner,

514 vs.

James P. Mitchell; and

The United States of America,

Petitioner,

515 vs.

James P. Mitchell.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Fannie E. Williams,

Petitioner,

770 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

J. S. Garlington and Jennie Lou Garlington,

Petitioners,

798 vs.

A. L. Wasson.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Tennessee Coal, Iron and Railroad Co., et al.,

Petitioners,

409 vs.

Muscoda Local No. 123, etc., et al.

ON CONSIDERATION of the motions of Tennessee Coal, Iron & Railroad Company, Sloss, Sheffield Steel & Iron Company, and Republic Steel Corporation for leave to file petitions for rehearing in this case,.

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Stone.

Tennessee Coal, Iron and Railroad Co., et al.,

Petitioners,

409 vs.

Muscoda Local No. 123, etc., et al.

ON CONSIDERATION of the petitions for rehearing filed herein by Tennessee Coal, Iron & Railroad Company, Sloss, Sheffield Steel & Iron Company, and Republic Steel Corporation,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Allen Calculators, Inc.,

Appellant,

592 vs.

The National Cash Register Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Roberts.

The Chief Justice took no part in the consideration or decision of this application.

Rufus Meshberger and Lelia B. Meshberger,

Petitioners,

754 vs.

The Federal Land Bank of Louisville, Kentucky.

Petitions for rehearing having been filed in this case by counsel for petitioners,

UPON CONSIDERATION thereof, it is ordered by this Court that said petitions be, and the same are hereby, denied.

Per Mr. Chief Justice Stone.

Edward M. Winston,

Petitioner,

786 vs.

Thomas J. Courtney, State's Attorney, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

E. C. Blue, et al.,

Petitioners,

789 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Wm. N. Clark, et al.,

Petitioners,

790 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Earl Pardee, et al.,

Petitioners,

791 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Douglas took no part in the consideration or decision of this application.

- - - - - - - - - - -

ORDER

The Court will take a recess from today until Monday, June 5th, upon which day it will adjourn for the term unless otherwise ordered.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, June 5, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge,
Associate Justices,

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Rodney O. Kittelsen, Esquire, of Albany, State of Wisconsin; Robert B. Dunlap, Esquire, of Caldwell, State of Idaho; Milton A. Jones, Esquire, of Bowling Green, Commonwealth of Kentucky; Harold Judson, Esquire, of Los Angeles, State of California; John J. Lane, Esquire, of Chicago, State of Illinois; Leroy C. McCauley, Esquire, of Washington, District of Columbia; and Wilbert P. Zarky, Esquire, of Madison, State of Wisconsin, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Estes Kefauver, It is ordered that Ben O. Duggan, Jr., Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Holtzoff, It is ordered that John Burke Drury, Esquire, of Norfolk, Commonwealth of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Errett P. Scrivner, It is ordered that H. Lloyd Ericsson, Esquire, of Lawrence, State of Kansas, be admitted to practice as an Attorney and Counsellor of this

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that Homer A. Ramey, Esquire, of Toledo, State of Ohio; John M. Vorys, Esquire, of Columbus, State of Ohio; Alvin P. Weichel, Esquire, of Sandusky, State of Ohio, and Leland G. Gardner, Esquire, of Washington, District of Columbia, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Vallance, It is ordered that Walter E. Foster, Esquire, of Daytona Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas I. Emerson, It is ordered that Norma G. Zarky, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Edward B. Soken, Esquire, of Philadelphia, Commonwealth of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sylvanus Rhyne, It is ordered that John W. Powers, Esquire, of Youngstown, State of Ohio, and Israel Freeman, Esquire, of Youngstown, State of Ohio, be admitted to practice as Attorneys and Counsellors of this Court. and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Willis, It is ordered that H. Bruce Baumeister, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stanley H. Fischer, It is ordered that Joseph Steiner, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Isadore Polier, It is ordered that Zelma Shapiro, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Jennings Bailey, Jr., It is ordered that Mollie Strum, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Miss Beatrice Rosenberg, It is ordered that Bernard Mitchell Goldstein, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Viva Norma Hunt, It is ordered that Jennie F. Cockrum, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Wilmer A. Hill, It is ordered that Douglas Lee Reeder, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clel Georgetta, It is ordered that Edwin W. Sale, Esquire, of Champaign, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Olive Evelyn Geiger, It is ordered that Augusta Manlon Brown, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Marcus Borchardt, It is ordered that Selma Munter Borchardt, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. Jack Boothe Blalock, It is ordered that Edward Kliewer, Jr., Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Wilson, It is ordered that W. B. Browder, Jr., Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph B. Keenan. It is ordered that Frank J. Fontes, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nathan L. Reibman, It is ordered that Jeanette F. Reibman, of Fort Wayne, State of Indiana, and Marvin Katz, Esquire, of Troy, State of New York, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

(Mrs.)

On motion first made to the Court in this behalf by Mr. Charles Pergler, It is ordered that Stanley B. Rider, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph B. Keenan, It is ordered that Joseph Lawrence, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - - -

Wilma E. Addison, Ernestine C. Lyles, Edgar Campbell, Sallie Baker and Luther Black,

Petitioners.

vs.

Holly Hill Fruit Products, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

217

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated, costs in this Court to be equally divided; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida to proceed in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Opinion by Mr. Justice Roberts concurring in part and dissenting in part.

Dissenting opinion by Mr. Justice Rutledge in which Mr. Justice Black and Mr. Justice Murphy concur.

Mr. Justice Douglas joins in that part of Mr. Justice Rutledge's dissent which would hold that the Administrator has defined "area of production" in a valid manner.

Polish National Alliance of the United States of North America,

Petitioner,

vs.

National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

226

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Frankfurter.

Mr. Justice Roberts took no part in the consideration or disposition of this case.

Concurring opinion by Mr. Justice Black in which Mr. Justice Douglas and Mr. Justice Murphy join.

W. D. Lyons, Petitioner, vs. The State of Oklahoma. — On writ of certiorari to the Criminal Court of Appeals of the State of Oklahoma.

433

THIS CAUSE came on to be heard on the transcript of the record from the Criminal Court of Appeals of the State of Oklahoma, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Criminal Court of Appeals, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Reed.

Dissenting: Mr. Justice Rutledge.

Dissenting opinion by Mr. Justice Murphy in which Mr. Justice Black concurs.

The United States of America, Appellant, vs. South-Eastern Underwriters Association, et al. — Appeal from the District Court of the United States for the Northern District of Georgia.

354

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Georgia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Roberts and Mr. Justice Reed took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Chief Justice Stone.

Opinion by Mr. Justice Frankfurter joining in the dissent of the Chief Justice.

Opinion by Mr. Justice Jackson dissenting in part.

- - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - -

The Pyramid Moving Company, Appellant, vs. The United States of America and Interstate Commerce Commission. Appeal from the District Court of the United States for the Northern District of Ohio.

1018

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Ohio, and on motion to affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court be, and the same is hereby, granted.

IT IS FURTHER ORDERED, adjudged, and decreed by this Court that the decree of the said District Court in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

O R D E R

IT IS ORDERED that Paragraph 2 of Rule 2 of the Rules of this Court be, and the same is hereby, amended to read as follows:

"2. Not less than two weeks in advance of application for admission, each applicant shall file with the clerk (1) a certificate from the presiding judge or clerk of the proper court showing that he possesses the foregoing qualifications, (2) his personal statement, on the form approved by the court and furnished by the clerk, and (3) two letters or signed statements of members of the bar of this court, not related to the applicant, who are resident practitioners within the State, Territory, District, or Insular Possession (to which the application refers as provided in paragraph 1 of this rule) stating that the applicant is personally known to them, that he possesses all the qualifications required for admission to the bar of this court, that they have examined his personal statement and that they affirm that his personal

Henry Long,

Petitioner,

—— vs.

Honorable Ben Hicks, Presiding Judge, United States Circuit Court of Appeals, Sixth Circuit.

ON CONSIDERATION of the motion for leave to file a petition for peremptory writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Long,

Petitioner,

—— vs.

Ralph E. Benson, Warden, etc.

ON CONSIDERATION of the motion for leave to file a petition for peremptory writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Long,

Petitioner,

—— vs.

Ralph E. Benson, Warden, etc.

ON CONSIDERATION of the motion for a rule to show cause herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mid-Continent Investment Company,

Petitioner,

—— vs.

Honorable Michael L. Igoe, Judge for the United States District Court, Northern District of Illinois, Eastern Division.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Minneapolis-Honeywell Regulator Company,

Petitioner,

—— vs.

Honorable John P. Barnes, Judge of the United States District Court, Northern District of Illinois, Eastern Division.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte George W. Pullitt,

Petitioner,

——.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Percy Berry,

Petitioner,

——.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Thomas King,

Petitioner,

——.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Thomas King,

Petitioner,

——.

Treating the petition for writ of habeas corpus herein as a petition for writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by the Court that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. J. Roberts,

Petitioner,

—— vs.

United States District Court,
Eastern Virginia.

ON CONSIDERATION of the motion for leave to file a petition for certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

SUPREME COURT OF THE UNITED STATES.

No. 9, Original.—October Term, 1943.

The State of Kansas, Complainant,
vs.
The State of Missouri.

DECREE.

[June 5, 1944.]

This cause having been submitted upon the pleadings, evidence and exhibits, after arguments by counsel, and upon the Master's Report, and the Court having duly considered same and being sufficiently advised,

It Is Ordered, Adjudged and Decreed that the boundary line between the States of Kansas and Missouri, which extends from the intersection of the Missouri River with the 40th parallel, north latitude, southward to the middle of the mouth of the Kaw or Kansas River, be and it is hereby established as the middle line of the main navigable channel of said Missouri River as said river flowed at the time of the filing of Complainant's Bill of Complaint herein, throughout the entire course of said river from its intersection with the 40th parallel, north latitude, southward to the middle of the mouth of the Kaw or Kansas River, with the exception of such deviations and departures from the course of said Missouri River, as it then flowed, as are covered by and provided for in the written stipulations between the parties and are incorporated in the description of said entire boundary hereinafter set forth.

The boundary line hereinbefore mentioned and hereby established is more particularly described as follows, to-wit:

Beginning with the fortieth parallel of north latitude, the same being the boundary between the State of Kansas and the State of Nebraska, (at its intersection with the Missouri River) thence down the course or channel of the said Missouri River to a place therein opposite which the left bank thereof is a point 15.50 chains West and 9.75 chains South of the Northwest corner of Section Fourteen, Township One-South, Range Nineteen-East, Doniphan County, Kansas.

Thence departing upon and from the left bank (at a point 15.50 chains south of the Northwest Corner of Section Fourteen,

Ex parte Percy Berry,

Petitioner,

—.

ON CONSIDERATION of the motic

for writ of habeas corpus herein,

IT IS ORDERED by this Court t

same is hereby, denied.

Per M

Ex parte Thomas King,

Petitioner,

—.

ON CONSIDERATION of the moti

for writ of habeas corpus herein,

IT IS ORDERED by this Court t

same is hereby, denied.

Per M

Ex parte Thomas King,

Petitioner,

—.

Treating the petition for wri

petition for writ of certiorari;

ON CONSIDERATION WHEREOF, It

petition for writ of certiorari be, and the

Per M

E. J. Roberts,

Petitioner,

— vs.

United States District Court,
Eastern Virginia.

ON CONSIDERATION of the motion for leave to file a petition for certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Township One-South, Range Nineteen-East, Doni
Kansas) of the present course or channel of the
River and running North forty degrees thirty-three
for a distance of 34.33 chains.

Thence North 73 degrees 0 minutes East for
20.89 chains,
Thence North 72 degrees 30 minutes East for a dist
chains,
Thence North 73 degrees 40 minutes East for
5.22 chains, (the same being a point 14.44 chains
Southwest corner of Section 26, Township Sixty
Thirty-Nine West, Holt County, Missouri).
Thence North 73 degrees 40 minutes East for a dis
chains,
Thence North 74 degrees 45 minutes East for a dist
chains,
Thence North 72 degrees 15 minutes East for a dist
chains,
Thence North 77 degrees 0 minutes East for a dis
chains, (the same being a point 36.24 chains North
west corner of Section Thirteen, Township One-S
Nineteen-East, Doniphan County, Kansas),
Thence North 73 degrees 45 minutes East for a dis
chains, (the same being a point 3.57 chains South o
section corner on the South side of Section Twent
ship Sixty North, Range Thirty-Nine West, Holt
souri),
Thence North 73 degrees 45 minutes East for a dist
chains, (the same being a point 7.75 chains North
of Section Twelve, Township One South, Range N
Doniphan County, Kansas),
Thence South 85 degrees 0 minutes East for a dist
chains,
Thence South 83 degrees 30 minutes East for a dis
chains, (the same being a point 38.66 chains South
of Section Twenty-Five, Township Sixty North, R
Nine West, Holt County, Missouri),
Thence South 83 degrees 30 minutes East for a dis
chains,
Thence South 82 degrees 45 minutes East for a dist
chains,

Thence South 80 degrees 30 minutes East for a distance of 9.91 chains,
Thence South 80 degrees 0 minutes East for a distance of 8.95 chains,
Thence South 46 degrees 0 minutes East for a distance of 8.67 chains,
Thence South 42 degrees 30 minutes East for a distance of 10.45 chains,
Thence South 38 degrees 0 minutes East for a distance of 10.98 chains,
Thence South 40 degrees 30 minutes East for a distance of 9.99 chains,
Thence South 38 degrees 0 minutes East for a distance of 9.89 chains,

(The same being to the center of the road),

Thence South 18 degrees 0 minutes East for a distance of 12.57 chains,
Thence South 14 degrees 26 minutes East for a distance of 13.72 chains,
Thence South 8 degrees 30 minutes West for a distance of 11.74 chains,

(the same being a point 40.52 chains West of the Southeast corner of Section Thirty-One, Township Sixty North, Range Thirty-Eight West, Holt County, Missouri),

Thence South 8 degrees 30 minutes West for a distance of 5.60 chains,
Thence South 12 degrees 30 minutes West for a distance of 12.22 chains,
Thence South 19 degrees 30 minutes West for a distance of 8.98 chains,
Thence South 25 degrees 0 minutes West for a distance of 15.50 chains,

(the same being a point 52.98 chains West and 1.24 chains South of the east quarter corner of Section Six, Township Fifty-Nine North, Range Thirty-Eight West, Holt County, Missouri, which point also is 68.80 chains East of and 0.47 chains South of the corner to Sections Thirteen (13), Eighteen (18), Nineteen (19),

Ex parte Percy Berry,

Petitioner,

—.

ON CONSIDERATION of the moti

for writ of habeas corpus herein,

IT IS ORDERED by this Court

same is hereby, denied.

Per

Ex parte Thomas King,

Petitioner,

—.

ON CONSIDERATION of the mot

for writ of habeas corpus herein,

IT IS ORDERED by this Court

same is hereby, denied.

Per

Ex parte Thomas King,

Petitioner,

—.

Treating the petition for wri

petition for writ of certiorari;

ON CONSIDERATION WHEREOF, It

petition for writ of certiorari be, and the

Per

E. J. Roberts,

Petitioner,

— vs.

United States District Court,
Eastern Virginia.

ON CONSIDERATION of the motion for leave to file a petition for certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Twenty-Four (24) in Township One South, Ran
and Twenty East, Doniphan County, Kansas),

Thence South 36 degrees 45 minutes West for a dist
chains,

Thence South 28 degrees 30 minutes West for a dist
chains,

Thence South 38 degrees 15 minutes West (for a dist
chains) to the left bank of the Missouri River, at
point the said boundary returns to the left bank o
course or channel of the said Missouri River and
down the course or channel of the said Missouri
place therein where the said Missouri River interse
line of Section Twenty-Eight, Township Fifty-Nine
Thirty-Eight West, Holt County, Missouri.

Thence from the place where the Missouri River
West line of Section Twenty-Eight, Township Fifty
Range Thirty-Eight West, Holt County, Missouri,
course or channel of the said Missouri River, and wit
line of the main navigable channel of said Missouri
same flowed on the 27th day of May, 1940, through
of said river known as Forbes Bend, in a general
southeasterly direction downstream to the lower en
Bend to a point in the present course or channel of
River opposite which the left bank of said river i
North and South center section line of Section O
Fifty-Eight North, Range Thirty-Eight West, in
Missouri, and then beginning at said point in the p
or channel of the said Missouri River opposite whi
left bank of the said Missouri River intersects th
South center section line of Section One, Township
North, Range Thirty-Eight West, in Holt County,
thence proceeding down the course or channel of the
River to the place therein opposite which the left
Missouri River is a point 2216 feet West and 2096
the Northeast corner of the Northwest quarter Sec
Two, Township Two South, Range Twenty-One E
phan County, Kansas.

Thence departing upon and from the left bank (at
feet West and 2096 feet South of the Northeast c
Northwest quarter of Section Twenty-Two, Township

Range Twenty-One East in Doniphan County, Kansas) of the present course or channel of the said Missouri River and running thence North 19 degrees 13 minutes East, 2200 feet,
Thence North 46 degrees 30 minutes East, 4312 feet,
Thence North 29 degrees 40 minutes East, 5104 feet,
Thence North 35 degrees 45 minutes East, 3432 feet,
Thence North 44 degrees 10 minutes East, 660 feet to a point 1298 feet West of the Northwest corner of Section Twelve, Township Two South, Range Twenty-One East in Doniphan County, Kansas,
Thence in a Northeasterly direction for a distance of 1868 feet to a point on the West line of Section One, Township Two South, Range Twenty-One East in Doniphan County, Kansas, which latter point on said West line of said Section One is 1350 feet North of the Southwest corner of said Section One,
Thence North 60 degrees 00 minutes East, 1188 feet,
Thence North 66 degrees 25 minutes East, 1960 feet to a point 820 feet South of the Southwest corner of Section Twenty-Four, Township Fifty-Nine North, Range Thirty-Seven West in Holt County, Missouri,
Thence North 84 degrees 05 minutes East 2618 feet to a point 534.6 feet South of the South quarter corner of Section Twenty-Four, Township Fifty-Nine North, Range Thirty-Seven West in Holt County, Missouri,
Thence South 78 degrees 00 minutes East, 2409 feet,
Thence South 60 degrees 00 minutes East, 2323 feet,
Thence South 43 degrees 30 minutes East, 2748 feet to the left bank of the Missouri River (the same being a point 561 feet upstream from U. S. River Marker numbered 482) at which latter point the said boundary returns upon the left bank of the said Missouri River to the present course or channel of the said Missouri River,
Thence down the course or channel of the said Missouri River to the place therein opposite which the right bank thereof intersects the south line of Section Ten, Township Five South, Range Twenty-One East in Doniphan County, Kansas,
Thence departing upon and from the right bank of said Missouri River and running thence West upon the South line of said Section Ten, Township Five South, Range Twenty-One East in

Ex parte Percy Berry,

Petitioner,

——.

ON CONSIDERATION of the moti

for writ of habeas corpus herein,

IT IS ORDERED by this Court

same is hereby, denied.

Per

Ex parte Thomas King,

Petitioner,

——.

ON CONSIDERATION of the mot

for writ of habeas corpus herein,

IT IS ORDERED by this Court

same is hereby, denied.

Per

Ex parte Thomas King,

Petitioner,

——.

Treating the petition for wri

petition for writ of certiorari;

ON CONSIDERATION WHEREOF, It

petition for writ of certiorari be, and the

Per

E. J. Roberts,

Petitioner,

—— vs.

United States District Court,
Eastern Virginia.

ON CONSIDERATION of the motion for leave to file a petition for certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Doniphan County, Kansas, to the Southwest corner
tion Ten,
Thence North on the West line of said Section Ten fe
of 1322 feet,
Thence North 18 degrees 25 minutes West, 1122 fee
Thence North 61 degrees 53 minutes West, 793 fee
Thence South 88 degrees 21 minutes West 3434 feet
line of Ogden land,
Thence South 89 degrees 40 minutes West, 1783 feet
line of the Koch land,
Thence South 10 degrees 03 minutes West, 309 fee
Thence South 43 degrees 36 minutes East, 196 feet
of road),
Thence South 24 degrees 30 minutes West, 504 feet,
Thence South 27 degrees 00 minutes West, 282 fee
levee)
Thence South 32 degrees 30 minutes West, 360 feet
Thence South 35 degrees 34 minutes West, 245 fee
Thence South 34 degrees 18 minutes West, 809 fee
Thence South 30 degrees 25 minutes West, 132 fee
Thence South 14 degrees 13 minutes West, 1254 fee
(marked by an old fence corner post) on the No
Atchison County, Kansas, which point is 1571 feet
present East bank of Independence Creek,
Thence South 00 degrees 00 minutes West, 500 fee
Thence South 00 degrees 11 minutes West, 750.65
Thence South 14 degrees 37 minutes West, 74).35
Thence South 14 degrees 45 minutes West, 800.00
Thence South 14 degrees 55 minutes West, 1000.00
Thence South 15 degrees 14 minutes West, 1200.00
Thence South 15 degrees 02 minutes West, 1000.00
Thence South 14 degrees 48 minutes West, 795.00
Thence North 71 degrees 46 minutes East, 117.00
Thence North 48 degrees 20 minutes East, 100.00
Thence North 00 degrees 52 minutes West, 158.75
Thence North 53 degrees 36 minutes East, 259.90
Thence North 62 degrees 28 minutes East, 159.60
Thence North 85 degrees 16 minutes East, 326.10
Thence South 57 degrees 06 minutes East, 519.35

Thence South 63 degrees 26 minutes East, 268.0 feet,
Thence North 86 degrees 19 minutes East, 412.0 feet,
Thence South 57 degrees 46 minutes East, 536.0 feet,
Thence North 71 degrees 46 minutes East, 124.0 feet,
Thence North 12 degrees 24 minutes West, 328.1 feet,
Thence North 16 degrees 23 minutes East, 295.8 feet,
Thence North 40 degrees 17 minutes East, 238.8 feet,
Thence North 71 degrees 29 minutes East, 166.7 feet,
Thence South 48 degrees 13 minutes East, 201.2 feet,
Thence North 74 degrees 21 minutes East, 694.6 feet,
Thence North 41 degrees 51 minutes East, 125.0 feet,
Thence North 33 degrees 47 minutes East, 59.2 feet,
Thence North 57 degrees 55 minutes East, 193.9 feet,
Thence South 67 degrees 03 minutes East, 369.9 feet,
Thence North 75 degrees 39 minutes East, 285.5 feet,
Thence North 80 degrees 36 minutes East, 361.1 feet,
Thence South 82 degrees 28 minutes East, 304.0 feet,
Thence South 59 degrees 00 minutes East, 187.7 feet,
Thence South 34 degrees 54 minutes East, 173.1 feet,
Thence South 24 degrees 54 minutes East, 268.1 feet,
Thence South 05 degrees 46 minutes East, 77.8 feet,
Thence South 36 degrees 59 minutes West, 338.7 feet,
Thence South 61 degrees 16 minutes West, 252.4 feet,
Thence South 62 degrees 45 minutes West, 313.3 feet,
Thence South 17 degrees 30 minutes West, 296.5 feet,
Thence South 11 degrees 05 minutes West, 167.2 feet,
Thence South 01 degrees 48 minutes West, 460.6 feet,
Thence South 25 degrees 22 minutes East, 250.1 feet,
Thence South 73 degrees 38 minutes East, 277.4 feet,
Thence North 33 degrees 02 minutes East, 151.0 feet,
Thence South 75 degrees 13 minutes East, 329.5 feet,
Thence South 07 degrees 28 minutes East, 126.1 feet,
Thence South 25 degrees 02 minutes West, 244.5 feet,
Thence South 41 degrees 54 minutes West, 215.7 feet,
Thence South 60 degrees 24 minutes West, 251.4 feet,
Thence South 69 degrees 29 minutes West, 210.1 feet,
Thence South 62 degrees 14 minutes West, 495.0 feet,
Thence South 54 degrees 34 minutes West, 386.2 feet,
Thence South 12 degrees 54 minutes West, 443.1 feet,

Ex parte Percy Berry,

Petitioner,

——.

ON CONSIDERATION of the moti

for writ of habeas corpus herein,

IT IS ORDERED by this Court

same is hereby, denied.

Per

Ex parte Thomas King,

Petitioner,

——.

ON CONSIDERATION of the mot

for writ of habeas corpus herein,

IT IS ORDERED by this Court

same is hereby, denied.

Per

Ex parte Thomas King,

Petitioner,

——.

Treating the petition for wri

petition for writ of certiorari;

ON CONSIDERATION WHEREOF, It

petition for writ of certiorari be, and the

Per

E. J. Roberts,

Petitioner,

—— vs.

United States District Court,
Eastern Virginia.

ON CONSIDERATION of the motion for leave to file a petition for certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

8 *State of Kansas* vs. *State of Missouri.*

Thence South 60 degrees 06 minutes East, 263.4
Thence South 02 degrees 56 minutes West, 283.3
Thence South 80 degrees 36 minutes West, 136.4
Thence South 64 degrees 04 minutes West, 192.8
Thence South 62 degrees 04 minutes West, 236.8
Thence South 57 degrees 44 minutes West, 342.2
Thence South 62 degrees 54 minutes West, 293.0
Thence South 73 degrees 24 minutes West, 230.3
Thence South 60 degrees 22 minutes West, 267.4
Thence South 49 degrees 36 minutes West, 344.1
Thence South 49 degrees 36 minutes West, 200.0
Thence South 49 degrees 36 minutes West, 71.4

(Northeast corner of St. Benedict's),

Thence South 00 degrees 12 minutes West, 180.3
Thence South 44 degrees 46 minutes West, 162.4
Thence South 42 degrees 33 minutes West, 528.0
Thence South 35 degrees 10 minutes West, 621.7
Thence South 12 degrees 59 minutes West, 254.8
Thence South 13 degrees 20 minutes West, 240.2
Thence South 21 degrees 23 minutes West, 382.8
Thence South 18 degrees 05 minutes West, 343.9
Thence South 20 degrees 47 minutes West, 198.0
Thence South 13 degrees 18 minutes West, 264.0
Thence South 05 degrees 40 minutes West, 264.0
Thence South 13 degrees 00 minutes West, 326.0
Thence South 19 degrees 30 minutes West, 330
Thence South 26 degrees 44 minutes West, 208.6
Thence South 00 degrees 00 minutes West, 126.1
Thence South 00 degrees 00 minutes West, 495.0
Thence South 00 degrees 00 minutes West, 495.0 fe
upon the right bank of the said Missouri River, at
point the said boundary returns upon the right ban
Missouri River to the present course or channel of
souri River and running thence down the course
the said Missouri River to the place therein oppos
left bank of the said Missouri River is 2898 feet E
feet South of the center of section 26, Township 54
37 West in Platte County, Missouri, thence departi
from the left bank of the present course or chann

Missouri River, and running thence North to a point 1850 feet South and 258 feet East of the Southwest corner of Section 24, Township 54, Range 37, West of the 5th P. M. in Platte County, Missouri;

Thence East 481 feet;

Thence North 15 degrees 55 minutes East 1924 feet to the South line of the aforesaid Section 24;

Thence East to the North and South center line of Section 6, Township 7, South, Range 22 East in Atchison County, Kansas;

Thence North to a point 880 feet North of the center corner of said Kansas Section 6;

Thence East one mile to a point 880 feet North of the center line of Kansas Section 5, Township 7 South, Range 22 East, in Atchison County, Kansas;

Thence South 880 feet to the center of the aforesaid Kansas Section 5;

Thence East 645 feet to the top of a levee;

Thence South 17 degrees and 30 minutes East, along the top of said levee, 2772 feet;

Thence South 14 degrees East, 2740 feet;

Thence South 11 degrees and 30 minutes East 2721 feet to a point 130 feet East of the Southeast corner of Section 8, Township 7, Range 22 East of the 6th P. M. in Atchison County, Kansas;

Thence South 5 degrees and 10 minutes East, along the center of a slough, 2969 feet to the left bank of the Missouri River, the latter point being 1750 feet West of the Southeast corner, of the Southwest quarter of Fractional Section 32, Township 54, Range 36 West of 5th P. M., in Platte County, Missouri, at which latter point the said boundary returns upon the left bank of the said Missouri River to the present course or channel of the said Missouri River,

Thence down the course or channel of the said Missouri River to the place therein opposite which the left bank of the said Missouri River is 1878 feet West and 1172 feet North of the West quarter corner of Section Thirty-Five, Township Seven South, Range Twenty-Two East in Leavenworth County, Kansas.

Thence departing upon and from the left bank of the present course or channel of the said Missouri River and running

Ex parte Percy Berry,

Petitioner,

——.

ON CONSIDERATION of the moti

for writ of habeas corpus herein,

IT IS ORDERED by this Court

same is hereby, denied.

Per

Ex parte Thomas King,

Petitioner,

——.

ON CONSIDERATION of the mot

for writ of habeas corpus herein,

IT IS ORDERED by this Court

same is hereby, denied.

Per

Ex parte Thomas King,

Petitioner,

——.

Treating the petition for wri

petition for writ of certiorari;

ON CONSIDERATION WHEREOF, It

petition for writ of certiorari be, and the

Per

E. J. Roberts,

Petitioner,

—— vs.

United States District Court,
Eastern Virginia.

ON CONSIDERATION of the motion for leave to file a petition for certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Thence South 65 degrees 57 minutes East, 502
Thence North 86 degrees 03 minutes East, 207
Thence North 74 degrees 03 minutes East, 200
Thence South 71 degrees 57 minutes East, 300
Thence South 86 degrees 57 minutes East, 800
Thence North 77 degrees 03 minutes East, 2 feet
the West line of Section Thirty-Five, Township
Range Twenty-Two East in Leavenworth County,
Thence North 77 degrees 03 minutes East, 628
Thence North 36 degrees 03 minutes East, 900
Thence North 51 degrees 03 minutes East, 900
Thence North 63 degrees 03 minutes East, 7 feet
the north line of Section Thirty-Five, Township
Range Twenty-Two East in Leavenworth County
Thence North 63 degrees 03 minutes East, 294
Thence North 76 degrees 18 minutes East, 292
Thence North 78 degrees 18 minutes East, 111
on the north and south center section line of Secti
Township Seven South, Range Twenty-Two East i
County, Kansas,
Thence North 78 degrees 18 minutes East, 648
Thence North 84 degrees 30 minutes East, 688
Thence North 86 degrees 56 minutes East, 915
Thence North 65 degrees 28 minutes East, 450 fee
the East line of Section Twenty-Six, Township
Range Twenty-Two East in Leavenworth County,
Thence North 65 degrees 28 minutes East 212
Thence North 81 degrees 57 minutes East, 1054
Thence North 86 degrees 29 minutes East, 301
Thence South 87 degrees 11 minutes East, 350
Thence South 85 degrees 31 minutes East, 382
Thence South 84 degrees 30 minutes East 1478
Thence South 80 degrees 00 minutes East, 628
Thence South 72 degrees 31 minutes East, 196 feet
Thence following the meander of said Bear Cree
thence South 39 degrees 03 minutes East, 601 fee
the North line of Section Thirty-Six, Township
Range Twenty-Two East in Leavenworth County
Thence South 39 degrees 03 minutes East, 609

on the East line of Section Thirty-Six, Township Seven South, Range Twenty-Two East in Leavenworth County, Kansas,
Thence South 39 degrees 03 minutes East, 231 feet,
Thence South 41 degrees 39 minutes East, 1995 feet,
Thence South 8 degrees 01 minute East, 505 feet to a point on the East and West center section line of Section Thirty-One, Township Seven South, Range Twenty-Three East in Leavenworth County, Kansas,
Thence South 08 degrees 01 minute East, 175 feet,
Thence South 43 degrees 56 minutes East, 290 feet,
Thence South 78 degrees 52 minutes East, 400 feet,
Thence South 03 degrees 00 minutes East, 329 feet,
Thence South 38 degrees 58 minutes East, 480 feet,
Thence South 68 degrees 02 minutes East, 930 feet to a point upon the left bank of the Missouri River where the said Bear Creek empties into the said Missouri River and which latter point is 1039 feet North and 408 feet East of the South quarter corner of Section Thirty-One, Township Seven South, Range Twenty-Three East in Leavenworth County, Kansas, at which latter point the said boundary returns upon the left bank of the said Missouri River to the present course or channel of the said Missouri River and running thence down the course or channel of the said Missouri River to the mouth of the Kansas River.

The State of Kansas, its officers, agents and representatives, its inhabitants, and all other persons, are perpetually enjoined from disputing or opposing the sovereignty, jurisdiction and dominion of the State of Missouri over the territory adjudged to said state by or in consequence of this decree; and the State of Missouri, its officers, agents and representatives, its inhabitants, and all other persons, are perpetually enjoined from disputing or opposing the sovereignty, jurisdiction and dominion of the State of Kansas over the territory adjudged to said state by or in consequence of this decree.

That insofar as the claims asserted by Complainant, the State of Kansas, in its Bill and, particularly in paragraphs VI and VII thereof, with respect to the Forbes Bend area of the Missouri River, and the relief sought by said Complainant in and by said Bill, are at variance with the terms of the foregoing decree, such claims and relief are denied and said Bill to this extent is dismissed.

Ex parte Percy Berry,

Petitioner,

——.

ON CONSIDERATION of the moti

for writ of habeas corpus herein,

IT IS ORDERED by this Court

same is hereby, denied.

Per

Ex parte Thomas King,

Petitioner,

——.

ON CONSIDERATION of the mot

for writ of habeas corpus herein,

IT IS ORDERED by this Court

same is hereby, denied.

Per

Ex parte Thomas King,

Petitioner,

——.

Treating the petition for wr

petition for writ of certiorari;

ON CONSIDERATION WHEREOF, It

petition for writ of certiorari be, and the

Per

E. J. Roberts,

Petitioner,

—— vs.

United States District Court,
Eastern Virginia.

ON CONSIDERATION of the motion for leave to file a petition for certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

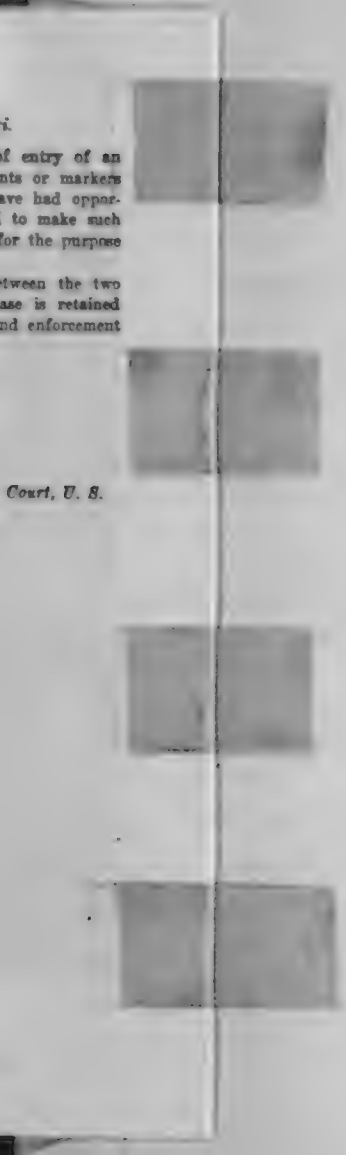
Both States having requested postponement o
order directing the placing of suitable monume
on the above designated boundary until they h
tunity to consider exchanging certain lands and
exchanges, jurisdiction of this cause is retained
of entering such order at an appropriate time.

The costs of this suit are equally divided be
States, Complainant and Defendant, and this c
on the docket for further orders in fulfillment a
of the provisions of this decree.

A true copy.

Test:

Clerk, Supreme



i.

f entry of an
nts or markers
ave had oppor-
to make such
for the purpose

tween the two
ase is retained
nd enforcement

Court, U. S.

The State of Kansas,

Complainant,

9, Original vs.

The State of Missouri.

ON CONSIDERATION of the statement of expenses and time employed by the Special Master in this case,

IT IS ORDERED that Samuel M. Wilson, Esquire, of Lexington, Kentucky, be, and he is hereby, awarded the sum of $4,000 as compensation for his services as Special Master in this case.

IT IS FURTHER ORDERED that the expenses of the Special Master amounting to $2,616.14, be, and they are hereby, approved and allowed.

Per Mr. Chief Justice Stone.

The Interstate Commerce Commission, et al.,

Appellants,

767 vs.

The City of Jersey City, et al.

ON CONSIDERATION of the motion of counsel for the appellants that the mandate in this case issue forthwith,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Securities and Exchange Commission, Order allowing certiorari.

Petitioner,

587 vs.

Engineers Public Service Company, et al.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Engineers Public Service Company, et al.,

Petitioners,

635 vs.

Securities and Exchange Commission.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Ira J. McCullough,

Petitioner,

836 vs.

Kammerer Corporation and Baash-Ross Tool Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

A petition for rehearing having been submitted in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the petition for rehearing be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari, entered May 8, 1944, be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Empire State Chair Co., Inc.,

Petitioner,

952 vs.

George J. Beldock, Trustee in Bankruptcy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Van Camp Sea Food Co., Inc., and Antonio Francisco,

Petitioners,

959 vs.

Robert A. Nordyke.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Ralph W. White, Administrator of the Estate of Mary Vieux Bruno, Deceased, et al.,

Petitioners,

961 vs.

Sinclair Prairie Oil Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Skelly Oil Company,

Petitioner,

965 vs.

Madie Ray Amacker, Individually and as Guardian of Barbara Ann Amacker, et al., Minors.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clarence Cromer,
Petitioner,
990 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Samuel O. Blanc,
Petitioner,
983 vs.
Al Cayo, Doing Business as Cayo Electric Machine.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Reka Goldberg Hofheimer,
Petitioner,
1008 vs.
Ben Gold, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Reka Goldberg Hofheimer,
Petitioner,
1009 vs.
David McIntee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Sterling Aluminum Products, Inc.,
Petitioner,
986 vs.
Shell Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Martin Luksich,
Petitioner,
1040 vs.
Domenic Misetich, Jakov Misetich, et al.

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Martin Luksich,

Petitioner,

1040 vs.

Domenic Misetich, Jakov Misetich, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Valdo B. Schita,

Petitioner,

750 vs.

Dr. M. J. Pescor, Warden, Medical Officer for Federal Prisoners, Springfield, Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Valdo B. Schita,

Petitioner,

750 vs.

Dr. M. J. Pescor, Warden, Medical Officer for Federal Prisoners, Springfield, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Frank Dzan,

Petitioner,

1022 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Frank Dzan,

Petitioner,

1022 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Albert Green,

Petitioner,

1023 vs.

State of Missouri.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Albert Green,

Petitioner,

1023 vs.

State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Diehl,

Petitioner,

1035 vs.

Walter Nierstheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Diehl,

Petitioner,

1035 vs.

Walter Nierstheimer, Warden,
Illinois State Penitentiary,
Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clarence Pearson,

Petitioner,

1042 vs.

Robert A. Heinze, Warden, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clarence Pearson,

Petitioner,

1042 vs.

Robert A. Heinze, Warden, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Darmo Lazar,

Petitioner,

1049 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Darmo Lazar,
Petitioner,
1049 vs.
Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Jack H. W. Bracey,
Petitioner,
1002 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Jack H. W. Bracey,
Petitioner,
1002 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Henry Clay Barland,

Petitioner,

1053 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Henry Clay Barland,

Petitioner,

1053 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Andrew Blankenship,

Petitioner,

1054 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Andrew Blankenship, Petitioner,

1054 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harold Witt, Petitioner,

1055 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harold Witt, Petitioner,

1055 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Clarence McCauley,

Petitioner,

1056 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Clarence McCauley,

Petitioner,

1056 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Roy Bridges,

Petitioner,

1057 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Roy Bridges,

Petitioner,

1057 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Arthur Rasmussen,

Petitioner,

1058 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Arthur Rasmussen,

Petitioner,

1058 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Raymond Conklin,

Petitioner,

1059 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Raymond Conklin,

Petitioner,

1059 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Cornelius Bass and Charlie Clark,

Petitioners,

1060 vs.

The State of New Hampshire.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Cornelius Bass and Charlie Clark, Petitioners, vs. The State of New Hampshire. — On petition for writ of certiorari to the Supreme Court of the State of New Hampshire.

1060

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New Hampshire, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

James Patton, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

1050

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis.

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

James Patton, Petitioner, vs. Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois. — On petition for writ of certiorari to the Supreme Court of the State of Illinois.

1050

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Stone.

Daisy C. Tegtmeyer,

Petitioner,

831,O.T. 1940 vs.

William H. Tegtmeyer, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Daisy C. Tegtmeyer,

Petitioner,

477 O.T. 1942 vs.

William H. Tegtmeyer, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Rutledge took no part in the consideration or decision of this application.

Martin J. Bernards and Lena Bernards,

Petitioners,

539 vs.

M. R. Johnson, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Phillips,

Petitioner,

828 vs.

The People of the State of New York.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the time is extended to and including July 15, next.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

(The following order is entered nunc pro tunc as of June 2, 1944.)

O R D E R

IT IS ORDERED that the Order of January 12, 1944, amending the Order of November 22, 1939, as amended, be modified as follows:

The right of the Clerk of this Court to participate in an increase of compensation to the extent of 20% of that portion of his annual compensation which does not exceed $2,500 per annum, as provided in the Order of January 12, 1944, is rescinded and the Clerk of this Court is prohibited from receiving, through the retention of fees or otherwise, any benefit authorized by that Order.

IT IS FURTHER ORDERED that in consideration of the nullification of the increased compensation to the Clerk of this Court provided for in the Order of January 12, 1944, an Order has been entered dated June 2, 1944, authorizing the Clerk of this Court to retain as personal compensation the fees paid to him by attorneys for admission to the Bar of this Court in amounts not to exceed $4,000 in any one year from and after January 1, 1944, such authorized compensation to be in addition to that now provided for this Officer under Title 28, United States Code, Section 542;

AND IT IS FURTHER ORDERED that the Order of January 12, 1944, insofar as it is applicable to all officers and employees of the Clerk's Office of this Court, except the Clerk of this Court, shall remain in effect and undisturbed by this modification thereof.

Harlan F. Stone, Chief Justice.

June 2, 1944.

(The following order is entered nunc pro tunc as of June 2, 1944.)

ORDER

IT IS ORDERED that the Order of October 10, 1921, specifying the amount of the fees paid to the Clerk of this Court by attorneys for admission to the Bar of this Court which the Clerk is authorized to retain as personal compensation, which Order was reentered June 6, 1927, be, and it hereby is, amended, effective as of January 1, 1944, to read and provide as follows:

"ORDERED that the fees paid to the Clerk by attorneys for admission to the bar of the Court, which are not included in the costs, fees, and emoluments of which, under the Acts of March 3, 1883, 22 Statutes, 631, and Section 8 of the Act of March 15, 1898, 30 Statutes, 317, the Clerk is required to make return to the Attorney General, shall, over and above $4,000, in any one year, be kept as a fund to be expended under the order of the Court, first, for the reimbursement of the Clerk for any costs, and fees in litigated cases, in which the parties, or either of them, are authorized to proceed in forma pauperis; second, to reimburse the Clerk for any deficit which may arise in the running of his office, including his personal compensation under the Act of March 3, 1883, as aforesaid; and third, for any other purpose deemed proper and ordered by the Court."

June 2, 1944. Harlan F. Stone, Chief Justice.

- - - - - - - - - -

(The following order is entered nunc pro tunc as of June 2, 1944.)

ORDER

It having been brought to the attention of the Court that Hyam Lee Ratner, of Pittsburgh, Pennsylvania, who was granted admission to the Bar of this Court on May 2, 1944, tendered a check signed by him and drawn on the Forbes National Bank of Pittsburgh, Pennsylvania, in payment of the admission fee provided for in Rule 2 of the Rules of this Court which check was returned by the bank upon which it was drawn with accompanying memorandum that payment was refused for the reason of insufficient funds on deposit to the credit of Hyam Lee Ratner, and

The Court being advised that the said Hyam Lee Ratner was requested

by letters dated May 11th, 16th and 24th, 1944, addressed to him by the Clerk of this Court, to redeem the check and make payment of the fee requisite to admission to the Bar of this Court, and the said Hyam Lee Ratner having full knowledge of the non-payment of his check and having promised to make the payment of the fee but having failed to do so,

IT IS ORDERED that admission to practice as a member of the Bar of this Court granted to Hyam Lee Ratner, of Pittsburgh, Pennsylvania, on May 2, 1944, is cancelled and that his name be stricken from the roll of attorneys admitted to practice in this Court, and

IT IS FURTHER ORDERED that the Clerk of this Court is directed to furnish a copy of this order to the said Hyam Lee Ratner and to the members of the Bar of this Court who sponsored his application and presented him for admission to the Bar of this Court.

Harlan F. Stone, Chief Justice.

June 2, 1944.

- - - - - - - - - - -

O R D E R

The Court will take a recess from today until Monday, June 12th, upon which day it will adjourn for the term unless otherwise ordered.

- - - - - - - - - - -

Proclamation being made the Court is adjourned until Monday, June 12, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Harlan F. Stone, Chief Justice,
Hugo L. Black,
Felix Frankfurter,
William O. Douglas,
Frank Murphy,
Robert H. Jackson,
Wiley Rutledge.
Associate Justices,

Thomas Ennals Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Charles Fahy, It is ordered that Earl Russell Stego, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer S. Cummings, It is ordered that A. Devitt Vanech, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis M. Shea, It is ordered that Robert Burstein, Esquire, of Hartford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that William H. Collins, Esquire, of Washington, District of Columbia. be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that Thos. J. Riordan, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Lynch, It is ordered that Myrna M. Moffat, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Mrs.)

On motion first made to the Court in this behalf by Mr. Homer R. Hendricks, It is ordered that J. E. Simpson, Esquire, of Los Angeles, State of California, and Ralph D. F. Sweeney, Esquire, of Los Angeles, State of California, be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard A. Twitty, It is ordered that Mayo A. Darling, Esquire, of Waltham, Commonwealth of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vernon C. Rawls, It is ordered that Richard Mullins, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard L. Merrick, It is ordered that Henry Grady Langley, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry C. Barron, It is ordered that Emilie D. Barron, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly. (Miss)

On motion first made to the Court in this behalf by Mr. James J. Laughlin, It is ordered that William J. Powers, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

- - - - - - - - - -

Elmer Hartzel, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

531

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the conclusion and judgment of this Court.

Per Mr. Justice Murphy.

Concurring: Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Reed in which Mr. Justice Frankfurter, Mr. Justice Douglas, and Mr. Justice Jackson concur.

The United States of America, Petitioner, vs. Jasper White. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

366

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed and that the judgment of the District Court be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Middle District of Pennsylvania.

Per Mr. Justice Murphy.

Mr. Justice Roberts, Mr. Justice Frankfurter, and Mr. Justice Jackson concur in the result.

Carl Wilhelm Baumgartner, Petitioner, vs. The United States of America. 493

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Frankfurter.

Separate concurring opinion by Mr. Justice Murphy in which Mr. Justice Black, Mr. Justice Douglas, and Mr. Justice Rutledge join.

- - - - - - - - - - -

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

- - - - - - - - - - -

The United States of America, Appellant, vs. Aluminum Company of America, et al. 2

In this case there is wanting a quorum of six Justices qualified to hear it, see 320 U. S. 708. The cause is accordingly certified and transferred to the United States Circuit Court of Appeals for the Second Circuit, pursuant to Sec. 2 of the Act of February 11, 1903, 32 Stat. 823, 15 U. S. C., Sec. 29, as amended by the Act of June 9, 1944, Public Law No. 332.

Per Mr. Chief Justice Stone.

Lawrence F. Varnado,

Appellant,

1024 vs.

Thomas G. Womack, et al.

ON CONSIDERATION of the motion for leave to file the statement of jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Lawrence F. Varnado,

Appellant,

1024 vs.

Thomas G. Womack, et al.

Appeal from the Supreme Court of the State of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment of the court below is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Stone.

Jenkin Lloyd Jones and Jenkin Lloyd Jones, as Relator,

Appellant,

1033 vs.

Harold Freeman, as Speaker of the House of Representatives of Oklahoma, et al.

Appeal from the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Stone.

Jenkin Lloyd Jones and Jenkin Lloyd Jones, as Relator,

Appellant,

1033 vs.

Harold Freeman, as Speaker of the House of Representatives of Oklahoma, et al.

Appeal from the Supreme Court of the State of Oklahoma.

Treating the appeal papers herein from the Supreme Court of the State of Oklahoma as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

- - - - - - - - - -

Ex parte James M. John,

Petitioner,

---.

ON CONSIDERATION of the application submitted herein by James M. John,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone

Ex parte Raymond Paul Hile,

Petitioner,

---.

ON CONSIDERATION of the application submitted herein by Raymond Paul Hile,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Robert George Banks,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Allen Dixon,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte John Gardner,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Earl F. Hall,

Petitioner,

---.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Earl P. Hall,

Petitioner,

——.

Treating the habeas corpus papers herein as a petition for writ of certiorari to the Supreme Court of the State of Illinois,

ON CONSIDERATION WHEREOF, It is ordered that the petition for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lonnie E. Smith,

Petitioner,

51 vs.

S. E. Allwright, Election Judge, et al.

The sentence on page 9 of the slip opinion which reads:

"Under our Constitution, the great privilege of choosing his rulers may not be denied a man by the State because of his color." is amended to read as follows:

"Under our Constitution the great privilege of the ballot may not be denied a man by the State because of his color."

Per Mr. Chief Justice Stone.

Mr. Justice Roberts and Mr. Justice Frankfurter took no part in the consideration of the order here entered.

The United States of America,

Appellant,

716 vs.

Clyde Saylor, et al.; and

The United States of America,

Appellant,

717 vs.

Clarence Poer, et al.

IT IS ORDERED that the opinion in these cases announced May 22, 1944, be amended as follows:

Page 2, eighth line from top, word "counted" is to be deleted. Page 3, last paragraph. Sentence reading "For election officers knowingly to prepare false ballots, place them in the box, and count them, is certainly not honestly to count the votes lawfully cast." is amended to read: "For election officers knowingly to prepare false ballots, place them in the box, and return them, is certainly to prevent an honest count by the return board of the votes lawfully cast." The sentence beginning page 3, last line, and

ending page 4, second line, reading "The mathematical result may not be the same as would ensue throwing out or refusing to count votes lawfully cast." is changed to read: "The mathematical result may not be the same as would ensue throwing out or frustrating the count of votes lawfully cast." Page 4, second paragraph, sixth line. Words "count or return the ballots" are changed to read: "return or count the ballots".

AND IT IS FURTHER ORDERED that this order be entered nunc pro tunc as of June 12, 1944, and included in the Minutes of the Court for that day.

June 26, 1944. Harlan F. Stone, Chief Justice.

R. J. Thomas,

Appellant,

569 vs.

H. W. Collins, Sheriff, etc.

This case is restored to the docket and assigned for reargument during the first week of argument in the October Term, 1944. Counsel are requested to discuss in their briefs and on oral argument, the following questions:

1. Does the Texas Act, by judicial or administrative construction, require a registration or license before making the speech made by Thomas - if it had omitted the O'Sullivan solicitation?

2. Did the injunction forbid the speech (apart from the O'Sullivan solicitation) and is the order of contempt based in whole or in part on such speech? If not, is the speech used as an aggravation of the offense? If neither, what is the purpose and effect of its recital in the papers and orders in this proceeding?

3. Assuming the speech to be immune and assuming the words addressed to O'Sullivan to be a violation of valid prohibition of solicitation, what is the effect on its constitutional validity of including both in one injunction?

4. Assuming the injunction invalid as applied to the speech, what was the duty of Thomas in respect of obedience so long as it was not set aside?

5. Is the application made of Section 5 consistent with the provisions of the National Labor Relations Act?

6. Assuming that petitioner had a constitutional right to make a general argument and solicitation to the entire assembly of workers, could the state punish him in a single penalty because he picked out one member of the assembly and addressed a solicitation to him by name?

The Solicitor General is invited to file a brief if he is so disposed.

Per Mr. Chief Justice Stone.

Corinne C. Waterman,

Petitioner,

984 vs.

Lillie B. McMillan and Harry S. Wender.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including June 26, next.

Per Mr. Chief Justice Stone.

John W. Roxborough,

Petitioner,

1031 vs.

The People of the State of Michigan; and

Everett I. Watson,

Petitioner,

1032 vs.

The People of the State of Michigan.

ON CONSIDERATION of the motion of counsel for respondent for an extension of time to and including September 9, next, within which to file a brief opposing the petitions for writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The United States of America,

Appellant,

1044 vs.

Herman Rosenwasser, an Individual, etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is transferred to the summary docket.

Per Mr. Chief Justice Stone.

Otis & Co., Order allowing certiorari.

Petitioner,

993 vs.

Securities and Exchange Commission and the United Light and Power Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

State of New York and Saratoga Springs Commission and Saratoga Springs Authority, Order allowing certiorari.

Petitioners,

996 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Central States Electric Company, Order allowing certiorari.
Petitioner,
1000 vs.
City of Muscatine, Iowa, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Marie E. Schwartz, Order allowing certiorari.
Petitioner,
995 vs.
Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

The United States, Order allowing certiorari.
Petitioner,
944 vs.
Standard Rice Company, Inc.

The petition herein for a writ of certiorari to the Court of Claims of the United States is granted and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

William P. Esenwein, Order allowing certiorari.

Petitioner,

668 vs.

Commonwealth, ex rel. May H. Esenwein.

The order of March 6, 1944, denying certiorari in this case is vacated and the petition for writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

O. B. Williams and Lillie Shaver Hendrix, Order allowing certiorari.

Petitioners,

999 vs.

The State of North Carolina.

The petition herein for a writ of certiorari to the Supreme Court of the State of North Carolina is granted, and the case is assigned for argument immediately following No. 668, Esenwein vs. Commonwealth, ex rel. Esenwein.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Charles Williams,

Petitioner,

1037 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Williams, Order allowing certiorari.

Petitioner,

1037 vs.

Paul E. Kaiser, Warden, Missouri State Penitentiary.

The petition herein for a writ of certiorari to the Supreme Court of the State of Missouri is granted, and the case is transferred to the summary docket.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

O. C. Tomkins, Order allowing certiorari.

Petitioner,

922 vs.

The State of Missouri.

The Order of May 29, 1944, denying certiorari in this case is vacated and the petition for writ of certiorari herein to the Supreme Court of the State of Missouri is granted. The case is transferred to the summary docket and assigned for argument immediately following No. 1037, Williams vs. Kaiser, Warden.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Stone.

Anastasio A. Ylagan, On petition for writ of certiorari

Petitioner, to the Court of Claims.

940 vs.

The United States.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Capitol Greyhound Lines and Capitol Greyhound Lines of Indiana, Inc.,

Petitioners,

991 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Edward Page Gaston,

Petitioner,

998 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Nelson, Agnes Nelson, Ollie Halpin, et al.,

Petitioners,

1010 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Gallagher's Steak House, Inc.,
Petitioner,
1043 vs.
Chester C. Bowles, Administrator, Office of Price Administration, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Presque-Isle Transportation Co.,
Petitioner,
1061 vs.
Carl Koehler.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

Richard W. Sheehan,
Petitioner,
1019 vs.
Ray L. Huff, General Superintendent, D. C. Reformatory.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Richard W. Sheehan,

Petitioner,

1019 vs.

Ray L. Huff, General Superintendent, D. C. Reformatory.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Stone.

John Huffman,

Petitioner,

1069 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

John Huffman,

Petitioner,

1069 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Edward Leslie Willis,

Petitioner,

1074 vs.

W. Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Edward Leslie Willis,

Petitioner,

1074 vs.

W. Nierstheimer, Warden, Illinois State Penitentiary, Menard, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Harry Knight,

Petitioner,

1085 vs.

The People of the State of California and Robert A. Heinze, Associate Warden, et al.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harry Knight,

Petitioner,

1085 vs.

The People of the Sate of California and Robert A. Heinze, Associate Warden, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Millwood,

Petitioner,

1088 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Millwood,

Petitioner,

1088 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mrs. Velma Ford Thompson,
Individually and as Testamentary Executrix of Raymond Lombardo,

Petitioner.

1098

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Mrs. Velma Ford Thompson,
Individually and as Testamentary Executrix of Raymond Lombardo,

Petitioner.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

1098

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Felix J. Poteracki,

Petitioner,

1100 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Felix J. Poteracki,

Petitioner,

1100 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Joseph Gall,

Petitioner,

1101 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Joseph Gall,

Petitioner,

1101 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Charles Moore,

Petitioner,

1102 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Charles Moore,

Petitioner,

1102 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Randal E. Norval,

Petitioner,

1103 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Randal E. Norval,

Petitioner,

1103 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

George Sogan,

Petitioner,

1099 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

George Sogan,

Petitioner,

1099 vs.

Joseph E. Ragen, Warden, Illinois State Penitentiary, Joliet, Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Stone.

Harry M. Grand,

Petitioner,

1107 vs.

Nathan Mayo, as State Prison Custodian.

ON CONSIDERATION of the motion for leave to proceed herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

Harry M. Grand,

Petitioner,

1107 vs.

Nathan Mayo, as State Prison Custodian.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Ex parte Harry M. Grand,

Petitioner.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

E. J. Roberts,

Petitioner,

—— vs.

United States District Court.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hazel-Atlas Glass Company,

Petitioner,

398 vs.

Hartford-Empire Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Shawkee Manufacturing Company, et al.,

Petitioners,

423 vs.

Hartford-Empire Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Paul J. Bellavance,

Petitioner,

853 vs.

Frank Morrow Co., Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Chicago & Eastern Illinois
Railroad Company, et al.,

Petitioners,

911 vs.

Grand Trunk Western Railroad
Company, et al.;

Chicago & Eastern Illinois
Railroad Company, et al.,

Petitiorers,

912 vs.

Grand Trunk Western Railroad
Company, et al.; and

Chicago & Eastern Illinois
Railroad Company, et al.,

Petitioners,

913 vs.

Grand Trunk Western Railroad
Company, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Rock Island Refining Company,

Appellant,

942 vs.

Oklahoma Tax Commission.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Floyd J. Kesling,

Petitioner,

742 vs.

George W. Humphrey, Warden.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Lenore S. Robinette,

Petitioner,

889 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

International Harvester Company, et al.,

Appellants,

355 vs.

Department of Treasury of the State of Indiana, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Paysoff Tinkoff, Individually, etc., et al.,

Petitioners,

728 vs.

West Publishing Company, et al.

A petition for rehearing or in the alternative petition for writ of mandamus having been filed in this case,

UPON CONSIDERATION WHEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

Hilliard Sanders,

Petitioner,

734 vs.

Joseph W. Sanford, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied without prejudice to the presentation to the District Court, in an appropriate proceeding, of the new matters referred to in the petition for rehearing and accompanying papers.

Per Mr. Chief Justice Stone.

The Hudson & Manhattan Railroad Company,

Appellant,

766 vs.

The City of Jersey City, et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Stone.

The Hudson & Manhattan Railroad Company,

Appellant,

766 vs.

The City of Jersey City, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Stone.

The Chief Justice announced the following order of the Court:

ORDER

All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

IT IS ORDERED BY THIS COURT that all cases on the docket be, and they hereby are, continued to the next term.

Per Mr. Chief Justice Stone.

Proclamation being made the Court is adjourned to the time and place appointed by law.